

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Natural Resources

LD 1824 An Act To Regulate Outdoor Wood Boilers

**PUBLIC 442
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY BENOIT	OTP-AM	H-494

This bill defines "outdoor wood boiler." It permits the Commissioner of Environmental Protection to adopt a moratorium on the sale of high-emissions outdoor wood boilers until the department establishes rules regulating the sale, installation and use of outdoor wood boilers and directs the department to review the rules every 3 years and revise them if necessary. The bill also restricts the use of outdoor wood boilers manufactured prior to October 1, 2007 unless they meet the standards and rules adopted by the department. It directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention in consultation with the Department of Environmental Protection to develop guidelines to determine whether an outdoor wood boiler is causing a public health nuisance.

Committee Amendment "A" (H-494)

This amendment changes the title and adds an emergency preamble and clause to the bill. It removes from the bill the moratorium provisions with regard to wood boilers. It sets emission standards for the sale of outdoor wood boilers and prohibits the operation of outdoor wood boilers in a manner that creates a nuisance condition as defined in rules of the Department of Environmental Protection. It directs the Department of Environmental Protection to adopt emergency major substantive rules for the regulation of outdoor wood boilers including provisions relating to siting, operation and labeling requirements, stack heights, dealer and manufacturer reporting, public notification of emission standards and operation and siting requirements, code enforcement officer training, nuisance conditions and existing inventory issues. The rules must provide for enforcement of the rules by the Department of Environmental Protection. The amendment directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on achievable emission standards for outdoor wood boilers and on the status of the resolution of complaints regarding outdoor wood boilers.

Enacted Law Summary

Public Law 2007, chapter 442 sets emission standards for the sale of outdoor wood boilers and prohibits the operation of outdoor wood boilers in a manner that creates a nuisance condition as defined in rules of the Department of Environmental Protection. It directs the Department of Environmental Protection to adopt emergency major substantive rules for the regulation of outdoor wood boilers including provisions relating to siting, operation and labeling requirements, stack heights, dealer and manufacturer reporting, public notification of emission standards and operation and siting requirements, code enforcement officer training, nuisance conditions and existing inventory issues. The rules must provide for enforcement of the rules by the Department of Environmental Protection. It directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on achievable emission standards for outdoor wood boilers and on the status of the resolution of complaints regarding outdoor wood boilers.

Public Law 2007, chapter 442 was enacted as emergency measure effective June 27, 2007.

LD 1825 An Act To Amend the Groundwater Oil Clean-up Fund BY REQUEST

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	ONTP	

Joint Standing Committee on Natural Resources

This bill exempts from the conditional deductible requirement all nonconforming underground facilities and tanks that were removed prior to the enactment of the conditional deductible requirement.

LD 1830 Resolve, Regarding Legislative Review of Portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a Major Substantive Rule of the Department of Environmental Protection

**RESOLVE 64
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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This resolve provides for legislative review of portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2007, chapter 64 provides for legislative review of portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a major substantive rule of the Department of Environmental Protection.

Resolve 2007, chapter 64 was finally passed as an emergency measure effective June 6, 2007.

LD 1845 An Act To Strengthen the Laws Concerning Surface Water Ambient Toxic Monitoring

PUBLIC 445

<u>Sponsor(s)</u> PERCY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-254
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This bill strengthens the surface water ambient toxic monitoring program as it relates to inland and coastal waters by:

1. Altering the membership of the technical advisory group to include a second nonvoting legislative member by adding a Legislator who serves on the joint standing committee of the Legislature having jurisdiction over marine resources matters;
2. Requiring submission of the annual report on the monitoring program to the joint standing committee of the Legislature having jurisdiction over marine resources matters; and
3. Directing the Commissioner of Environmental Protection and the Commissioner of Marine Resources to make a report to the relevant joint standing committees by January 4, 2008 identifying a reliable and consistent source of funding for the program.

Committee Amendment "A" (H-254)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 445 amends the surface water ambient toxic monitoring program as it relates to inland and coastal waters by: