

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. JOHN L. MARTIN, CHAIR
SEN. PHILIP L. BARTLETT, II
SEN. DOUGLAS M. SMITH

REP. THEODORE S. KOFFMAN, CHAIR
REP. ROBERT S. DUCHESNE
REP. JANE E. EBERLE
REP. CHRISTOPHER W. BABBIDGE
REP. DAVID MIRAMANT
REP. RICHARD V. WAGNER
REP. JAMES M. HAMPER
REP. JAMES D. ANNIS
REP. JOHN F. McDONOUGH
REP. BERNARD L. A. AYOTTE

STAFF:

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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

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>
-------------------	--------------------------------	---------------------------

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
----------------------------	-----------------------------------	------------------------------------

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:

Joint Standing Committee on Natural Resources

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

LD 1851 An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM MAJ OTP-AM MIN	H-321 H-380 BLISS

This bill establishes a statewide carbon dioxide cap-and-trade program for fossil fuel fired electrical generating units within the State that have a nameplate capacity equal to or greater than 25 megawatts and requires the Department of Environmental Protection to develop carbon dioxide cap-and-trade rules. The bill also authorizes the Department of Environmental Protection to adopt major substantive rules regarding combined heat and power incentives and the Public Utilities Commission to adopt major substantive rules regarding the establishment and administration of the Maine Energy Conservation Board. The bill also authorizes the sale of carbon dioxide emissions allowances for the benefit of consumers and the creation of the Energy and Carbon Savings Trust.

Committee Amendment "A" (H-321)

This amendment makes the following changes to the bill.

1. It amends the provision of the bill regarding additional assessments on transmission and distribution utilities to fund efficiency programming to require that prior to making such assessments the Public Utilities Commission shall consider: the amount and timing of the existing assessments to fund conservation programs; the funding for conservation programs through the Energy and Carbon Savings Trust; forward capacity market payments; and other predictable sources of funding for or investment in energy conservation and efficiency programs. It also specifies that any such assessments may not be charged until the Legislature has approved the commission's budget and requires that the commission identify these assessments in its presentation of its budget recommendations in any current services budget legislation or supplemental budget legislation. It specifies that these additional assessments must be paid on the same schedule that payment of assessments to the commission is required for the current conservation program assessment.
2. It amends the provisions of the bill regarding the Maine Energy Conservation Board in several ways. It changes the composition of the board as follows: it removes 3 trustees of the Energy and Carbon Savings Trust from the board as voting members, while retaining one trustee on the board as a nonvoting member; and it adds as voting members a representative of small business, the Commissioner of Environmental Protection or the commissioner's designee and the director of the Governor's Office of Energy Independence and Security or the director's designee. The amendment removes the Public Utilities Commission's responsibility for staffing the board and authorizes the board to contract for technical expertise and administrative services.
3. It amends the provision in the bill regarding the energy efficiency and conservation plan. It specifies that the plan must be a triennial plan developed jointly by the Public Utilities Commission and the trustees of the