

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

July 2007

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# STATE OF MAINE

123<sup>RD</sup> 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 123<sup>rd</sup> 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 1888**

**An Act To Implement Recommendations of the Drinking Water Program Regarding Public Water Supply Protection**

**PUBLIC 353**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-263

This bill implements recommendations of the drinking water program of the Department of Health and Human Services in connection with a report required pursuant to Resolve 2005, chapter 140. The bill accomplishes the following.

1. It amends the acquisition criteria for the Executive Department, Land for Maine's Future Board. It requires the board to consider whether the site provides public water supply protection.
2. It requires state agencies to consider the negative impact of the agency's actions on public water supplies, evaluate alternatives to minimize the impact and conduct mitigation of any unavoidable impact.
3. It allows the safe drinking water revolving loan fund to be used by a public water system to acquire protective interests in land.
4. It defines "community public water system" and "community public water system primary protection area."
5. It adds community public water system primary protection areas to the definition of "protected natural resource."
6. It adds language to the standards imposed under the laws governing natural resources protection to require that an applicant for a project in a community public water system primary protection area has to meet only the soil erosion and water quality standards contained in those laws.
7. It requires the applicant to notify the drinking water program of the Department of Health and Human Services and the community public water system if the resource subject to alteration or the underlying groundwater is used by a community public water system.
8. It authorizes the Commissioner of Environmental Protection to, under certain circumstances, delegate to the drinking water program of the Department of Health and Human Services or to a community public water system the authority to determine whether an activity that is located within a community public water system primary protection area meets the erosion and water quality standards.
9. It exempts community public water systems from the laws governing natural resources protection permitting requirements for activities within their community public water system primary protection areas.
10. It requires the Department of Environmental Protection to adopt rules to specify requirements for an activity located in a community public water system primary protection area.
11. It directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by January 15, 2008 concerning the status of the rulemaking.

**Committee Amendment "A" (S-263)**

This amendment deletes the requirement in the bill that requires state agencies to conduct mitigation of unavoidable impacts the agency's actions have on a public water supply. It clarifies that the Commissioner of Environmental

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Protection may delegate review authority to the drinking water program of the Department of Health and Human Services or to a community public water system. It adds an exemption to the laws regarding the protection of natural resources for transportation reconstruction or replacement projects within a community public water system primary protection area. It clarifies that the Department of Environmental Protection may address mitigation in rules concerning community public water system primary protection areas, but may not include compensation as a method of mitigation. It designates rules specifying requirements for activities located in a community public water system primary protection area as major substantive rules. It requires the Department of Environmental Protection to provide notice of the rulemaking to municipalities in which community public water system primary protection areas are located.

### **Enacted Law Summary**

Public Law 2007, chapter 353 implements recommendations of the drinking water program of the Department of Health and Human Services in connection with a report required pursuant to Resolve 2005, chapter 140. Chapter 353 accomplishes the following.

1. It amends the acquisition criteria for the Executive Department, Land for Maine's Future Board. It requires the board to consider whether the site provides public water supply protection.
2. It requires state agencies to consider the negative impact of the agency's actions on public water supplies and to evaluate alternatives to avoid and minimize the impact.
3. It allows the safe drinking water revolving loan fund to be used by a public water system to acquire protective interests in land.
4. It defines "community public water system" and "community public water system primary protection area."
5. It adds community public water system primary protection areas to the definition of "protected natural resource."
6. It adds language to the standards imposed under the laws governing natural resources protection to require that an applicant for a project in a community public water system primary protection area has to meet only the soil erosion and water quality standards contained in those laws.
7. It requires the applicant to notify the drinking water program of the Department of Health and Human Services and the community public water system if the resource subject to alteration or the underlying groundwater is used by a community public water system.
8. It authorizes the Commissioner of Environmental Protection to, under certain circumstances, delegate review authority to the drinking water program of the Department of Health and Human Services or to a community public water system to determine whether an activity that is located within a community public water system primary protection area meets the erosion and water quality standards.
9. It adds an exemption to the laws regarding the protection of natural resources for transportation reconstruction or replacement projects within a community public water system primary protection area.
10. It exempts community public water systems from the laws governing natural resources protection permitting requirements for activities within their community public water system primary protection areas.
11. It requires the Department of Environmental Protection to adopt major substantive rules to specify requirements for an activity located in a community public water system primary protection area. The department is required to provide notice of the rulemaking to municipalities in which community public water system primary protection areas are located.

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12. It directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by January 15, 2008 concerning the status of the rulemaking.

**LD 1903      An Act To Implement the Recommendations of the Working Group  
Studying Mold in Buildings**

**PUBLIC 355**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-514

This bill implements recommendations of the working group created pursuant to Resolve 2005, chapter 174 to study mold in buildings. Specifically, the bill:

1. Requires home construction contracts to contain the training received and certifications held by project supervisors;
2. Requires disclosure of the potential for conflict of interest if mold assessment and remediation services are provided by the same person or company;
3. Adds mandatory moisture control provisions to the Maine Model Building Code and the Maine model building energy code;
4. Establishes a mandatory mediation program for mold or excess moisture disputes between tenants and landlords;
5. Authorizes local health officers to evaluate complaints made by tenants concerning issues with mold or excess moisture;
6. Directs the Maine Center for Disease Control and Prevention to review and recommend guidelines and standards regarding assessment and remediation of mold; and
7. Establishes one position in the Department of the Attorney General, Consumer Protection Division to support investigations of complaints related to substandard construction, renovation and mold assessment and remediation practices. It also establishes one position in the Department of Health and Human Services, Maine Center for Disease Control and Prevention to support the reviewing and recommending of guidelines and standards in connection with mold in buildings in the State and to provide education and response to public concerns regarding mold.

### **Committee Amendment "A" (H-514)**

This amendment strikes all of the provisions from the bill except for the requirement for disclosure of the potential for conflict of interest if mold assessment and remediation services are provided by the same person or company. It also adds a requirement directing the Department of Health and Human Services, Maine Center for Disease Control and Prevention to submit a report to the joint standing committees of the Legislature having jurisdiction over natural resources matters, legal and veterans affairs and judiciary matters on activities and reviews undertaken by the department in connection with issues relating to mold and excess moisture in buildings.

### **Enacted Law Summary**

Public Law 2007, chapter 355 requires disclosure of the potential for conflict of interest if mold assessment and remediation services are provided by the same person or company. It also requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to submit a report to the joint standing committees of the Legislature having jurisdiction over natural resources matters, legal and veterans affairs and