

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

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

Joint Standing Committee on Natural Resources

judiciary matters on activities and reviews undertaken by the department in connection with issues relating to mold and excess moisture in buildings.

LD 1908 **An Act To Implement Recommendations of the Blue Ribbon Commission on Solid Waste Management**

PUBLIC 414

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-238

This bill implements recommendations of the Blue Ribbon Commission on Solid Waste Management.

It amends the provisions relating to a public benefit determination by requiring state-owned disposal facilities to provide a substantial public benefit and by authorizing the Department of Environmental Protection to revise a public benefit determination if a change in the underlying facts or circumstances upon which the determination was based has occurred or is proposed.

It prohibits state-owned solid waste disposal facilities from accepting waste that is not generated within the State.

It requires the Department of Environmental Protection to submit recommendations on the sources of revenue from construction and demolition debris recycling and incineration that are sufficient to fund ambient air quality monitoring and landfill oversight. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008, and the committee is authorized to submit legislation relating to the recommendations to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (S-238)

This amendment replaces the bill. The amendment exempts from the provisions of the bill relating to public benefit determinations those solid waste disposal facilities that are owned by the State and currently in operation or to an expansion of those facilities. It defines "waste generated within the State" and "bypass."

It clarifies the reporting requirement in the bill to require the Department of Environmental Protection to submit a report on funding options for the State's solid waste management program, including recommendations concerning potential sources of revenue from fees relating to construction and demolition debris to fund monitoring and compliance activities.

Enacted Law Summary

Public Law 2007, chapter 414 requires a solid waste disposal facility owned by the State, other than a facility that is currently in operation or to an expansion of that facility, to provide a substantial public benefit. It authorizes the Department of Environmental Protection to revise a public benefit determination if a change in the underlying facts or circumstances upon which the determination was based has occurred or is proposed. It prohibits state-owned solid waste disposal facilities from accepting waste that is not waste generated within the State. It defines "waste generated within the State" and "bypass."

Chapter 414 also requires the Department of Environmental Protection to submit a report on funding options for the State's solid waste management program, including recommendations concerning potential sources of revenue from fees relating to construction and demolition debris to fund monitoring and compliance activities.