

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

**JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

May 2008

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123<sup>rd</sup> Maine Legislature.

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:

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

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.<sup>1</sup> The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123<sup>rd</sup> Legislature.

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<sup>1</sup> The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

## Joint Standing Committee on Natural Resources

plan for monitoring pollutants.

### Committee Amendment "A" (S-483)

This amendment caps the total fees that bleach kraft pulp mills subject to the Maine Revised Statutes, Title 38, section 420, subsection 2, paragraph I may be assessed for dioxin monitoring.

### Enacted Law Summary

Public Law 565 changes the laws governing the surface water ambient toxic monitoring program to include relevant provisions of the laws governing the dioxin monitoring program, which laws were sunset in December 2007. Under chapter 565, the total fees that bleach kraft pulp mills subject to the Maine Revised Statutes, Title 38, section 420, subsection 2, paragraph I may be assessed for dioxin monitoring are capped at \$10,000 per fiscal year. Chapter 565 also provides that the Commissioner of Environmental Protection shall notify the owners or operators of selected facilities proposed for dioxin monitoring of each facility's inclusion in the commissioner's monitoring plan.

### LD 1933 An Act To Extend the Deadline for Applications for Loans Associated with the Remediation of a Waste Oil Site in Plymouth

PUBLIC 479  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP	

This bill extends from 180 to 365 the number of days provided for those seeking to borrow funds from the Finance Authority of Maine to apply for funding to assist with the remediation of the Plymouth waste oil site.

### Enacted Law Summary

Public Law 2007, chapter 479 extends from 180 to 365 the number of days provided for those seeking to borrow funds from the Finance Authority of Maine to apply for funding to assist with the remediation of the Plymouth waste oil site.

Public Law 2007, chapter 479 was enacted as an emergency measure effective February 14, 2008.

### LD 1945 An Act To Update the Regional Greenhouse Gas Initiative

PUBLIC 608

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-768 H-932 FITTS

This bill makes the following changes to the laws governing the regional greenhouse gas initiative.

1. It specifies that the State may not assess any indirect charges on any revenue received from the sale of carbon dioxide allowances.
2. It clarifies that funds from the Energy and Carbon Savings Trust, which under current law may be used by the Department of Environmental Protection for administering the allowance auction, may also be used by the Department of Environmental Protection for participating in the regional organization.
3. It specifies that the Commissioner of Environmental Protection and the members of the Public Utilities Commission may act as representatives for the State in the regional organization and may contract with organizations and entities to carry out the purposes of the regional greenhouse gas initiative.

## *Joint Standing Committee on Natural Resources*

4. It amends the definitions of "fossil fuel fired" and "carbon dioxide budget unit" to reflect changes that were incorporated into the regional greenhouse gas initiative model rules.
5. It specifies that the department can initiate air emissions licensing of carbon dioxide budget sources and participate in auctions prior to January 1, 2009.
6. It requires the Department of Environmental Protection to set aside a portion of the State's annual carbon dioxide emissions budget in a voluntary renewable market set-aside account.

### **Committee Amendment "A" (H-768)**

This amendment makes the following changes to the voluntary renewable energy market set-aside provision contained in the bill. It removes the cap on allowances. It replaces the term "citizens" with "persons." It qualifies renewable energy credits as "eligible" renewable energy credits and defines the term.

### **House Amendment "A" (H-932)**

This amendment amends Committee Amendment "A." The amendment sets a 2% cap on the portion of the State's annual carbon dioxide emissions budget that is set aside in a voluntary renewable market set-aside account through January 31, 2010. It also requires the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters as to whether that 2% cap is appropriate. The amendment also directs the Energy and Carbon Savings Trust in consultation with the Department of Environmental Protection to determine the cap for portions set aside after January 31, 2010.

### **Enacted Law Summary**

Public Law 2007, chapter 608 makes the following changes to the laws governing the regional greenhouse gas initiative.

1. It specifies that the State may not assess any indirect charges on any revenue received from the sale of carbon dioxide allowances.
2. It clarifies that funds from the Energy and Carbon Savings Trust, which under current law may be used by the Department of Environmental Protection for administering the allowance auction, may also be used by the Department of Environmental Protection for participating in the regional organization.
3. It specifies that the Commissioner of Environmental Protection and the members of the Public Utilities Commission may act as representatives for the State in the regional organization and may contract with organizations and entities to carry out the purposes of the regional greenhouse gas initiative.
4. It amends the definitions of "fossil fuel fired" and "carbon dioxide budget unit" to reflect changes that were incorporated into the regional greenhouse gas initiative model rules.
5. It specifies that the department can initiate air emissions licensing of carbon dioxide budget sources and participate in auctions prior to January 1, 2009.
6. It requires the Department of Environmental Protection to set aside a portion of the State's annual carbon dioxide emissions budget in a voluntary renewable market set-aside account. It sets a 2% cap on the portion of the State's annual carbon dioxide emissions budget that is set aside in a voluntary renewable market set-aside account through January 31, 2010. It also requires the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters as to whether that 2% cap is appropriate and it directs the Energy and Carbon Savings Trust in consultation with the Department of Environmental Protection to determine the cap for portions set aside after January 31, 2010.