

# 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 scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

**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**  
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.

---

<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

### LD 1946 An Act To Address Uncertified Practice of Underground Oil Storage Tank Installation and Inspection

PUBLIC 497

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KOFFMAN           | OTP-AM                  | H-692                     |

The bill amends the law governing certification of underground oil storage tank installers and inspectors by the Board of Underground Oil Storage Tank Installers to provide a process to investigate allegations of uncertified practice and take action. The process established in the bill is consistent with the process given to other boards under the jurisdiction of the Department of Professional and Financial Regulation in Title 10, section 8003-C.

#### Committee Amendment "A" (H-692)

This amendment incorporates a fiscal note.

#### Enacted Law Summary

Public Law 2007, chapter 497 amends the law governing certification of underground oil storage tank installers and inspectors by the Board of Underground Oil Storage Tank Installers to provide a process to investigate allegations of uncertified practice and take action. The process established in chapter 497 is consistent with the process given to other boards under the jurisdiction of the Department of Professional and Financial Regulation in Title 10, section 8003-C.

### LD 1947 An Act To Clarify the Waste Motor Oil Disposal Site Remediation Program

PUBLIC 618

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KOFFMAN           | OTP-AM                  | H-894                     |

This bill amends the law to clarify the application of the waste motor oil disposal site remediation program.

1. It specifies that the premium is imposed on motor vehicle oil changes on construction equipment and logging equipment that are registered for road use.
2. It specifies that the premium applies to the changing of engine oil, transmission fluid, hydraulic fluid, gearbox oil and differential fluid and does not apply to the changing of brake fluid.
3. It specifies that if a motor vehicle oil change consists of the changing of multiple fluids, the premium is imposed on each type of fluid change.
4. It specifies that a premium is collected on all motor vehicle oil changes regardless of the ultimate disposition or use of the oil.
5. It specifies that an organization that is exempt from sales tax pursuant to the Maine Revised Statutes, Title 36, section 1760 is not exempt from the waste oil remediation premium.

#### Committee Amendment "A" (H-894)

This amendment replaces the bill. It repeals the premium on oil changes and enacts a premium on the first sale or distribution of bulk motor vehicle oil in the State. The premium is set at \$1.10 per gallon on bulk oil used in gasoline engines and 35¢ per gallon for bulk oil used in diesel combustion engines. The amendment changes the end

## *Joint Standing Committee on Natural Resources*

date for the premium from no later than December 31, 2028 to no later than December 31, 2030. The amendment clarifies enforcement authority of the State Tax Assessor and clarifies the definition of "response costs." The amendment also requires the Department of Environmental Protection and the Department of Agriculture, Food and Rural Resources to notify the Finance Authority of Maine of successor gasoline or diesel oil standards.

### **Enacted Law Summary**

Public Law 2007, chapter 618 repeals the premium on oil changes and enacts a premium on the first sale or distribution of bulk motor vehicle oil in the State. The premium is set at \$1.10 per gallon on bulk oil used in gasoline engines and 35¢ per gallon for bulk oil used in diesel combustion engines. Chapter 618 changes the end date for the premium from no later than December 31, 2028 to no later than December 31, 2030. It clarifies enforcement authority of the State Tax Assessor and clarifies the definition of "response costs." It also requires the Department of Environmental Protection and the Department of Agriculture, Food and Rural Resources to notify the Finance Authority of Maine of successor gasoline or diesel oil standards.

### **LD 1950 An Act To Repeal the Premium Imposed on Motor Vehicle Oil Changes**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SCHATZ            | ONTP                    |                           |

This bill repeals the premium imposed on motor vehicle oil changes.

### **LD 1952 An Act To Streamline the Administration of Significant Vernal Pool Habitat Protection**

**PUBLIC 533  
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KOFFMAN           | OTP-AM                  | H-758                     |

This bill narrows the requirement for notification concerning significant wildlife habitats from those listed in the Maine Revised Statutes, Title 38, section 480-B, subsection 10, paragraph B to those listed in section 480-B, subsection 10, paragraph B, subparagraphs (2) and (3), thereby removing vernal pools from the operation of that notification statute. The bill provides further requirements for the Department of Environmental Protection to incorporate into rules regarding the identification of significant vernal pool habitats. The bill further requires the Department of Inland Fisheries and Wildlife to amend its regulatory definition of "significant vernal pools" consistent with this change where applicable.

The bill requires the Department of Environmental Protection to amend its rules on significant vernal pool habitat in the following three ways:

1. To allow DEP or DIFW to determine that a vernal pool habitat is not significant if the habitat has not previously been determined to be significant and:
  - A. The vernal pool is in southern Maine and dries out after spring filling and before July 15th; or
  - B. The vernal pool is in northern Maine and dries out after spring filling and before July 31st.
2. To require that certain specified rare species be considered when determining whether a vernal pool habitat is significant.