

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD 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 123rd Maine
Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

May 2008

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STATE OF MAINE
123RD LEGISLATURE
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**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 123rd 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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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, 2008.¹ 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 123rd Legislature.

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

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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.

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3. To provide that in order to be identified as part of significant vernal pool habitat, the vernal pool may not have a permanent inlet or outlet. The bill defines "permanent inlet or outlet" to mean a "river, stream or brook" which is a defined term in law.

Committee Amendment "A" (H-758)

This amendment further narrows the requirement for notification concerning significant wildlife habitats to shorebird nesting, feeding and staging areas. It clarifies that for purposes of identifying a significant vernal pool habitat, the consideration of rare species is limited to the species identified in the bill. It clarifies that in order to be identified as part of a significant vernal pool habitat, the vernal pool may not have a permanently flowing inlet or outlet. It also adds an emergency preamble and an emergency clause.

Enacted Law Summary

Public Law 2007, chapter 533 narrows the requirement for notification concerning significant wildlife habitats by removing significant vernal pool habitat and high and moderate value waterfowl and wading bird habitat from the operation of that notification requirement.

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 for purposes of determining whether a vernal pool habitat is significant, the rare species that must be considered are limited to: Ribbon Snakes, Wood Turtles, Swamp Darner Dragonflies and Comet Darner Dragonflies.
3. To provide that in order to be identified as part of significant vernal pool habitat, the vernal pool may not have a permanently flowing inlet or outlet.

Public Law 2007, chapter 533 was enacted as an emergency measure effective March 31, 2008.

LD 1964 Resolve, To Require Rulemaking Concerning Landfill Gas and Odor Management

RESOLVE 170

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-450

This resolve directs the Executive Department, State Planning Office and the Department of Environmental Protection to adopt, after public hearing, major substantive rules establishing buffer zones for landfill construction and expansion that protect the public and nearby property owners from the visual effects, odor and noise of landfills.

Committee Amendment "A" (S-450)

This amendment replaces the resolve. It requires the Board of Environmental Protection to adopt rules concerning landfill gas and odor management that incorporate quantitative standards that can be used to measure compliance. It also requires the Department of Environmental Protection to report on the status of the rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters.