

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
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 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.

Joint Standing Committee on Natural Resources

Enacted Law Summary

Resolve 2007, chapter 170 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.

LD 1969 An Act To Raise the Meal Allowance for Members of the Board of Environmental Protection and the Maine Land Use Regulation Commission

PUBLIC 617

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM MAJ OTP-AM MIN	S-489

This bill increases from \$55 to \$100 the per diem fees for members of the Maine Land Use Regulation Commission and the Board of Environmental Protection.

Committee Amendment "A" (S-488)

This amendment is the majority report. The amendment retains from the bill the increase in per diem fees for members of the Board of Environmental Protection and the Maine Land Use Regulation Commission. It also specifies that members are entitled to expenses and it authorizes a meal allowance not to exceed the legislative meal allowance. This amendment was not adopted.

Committee Amendment "B" (S-489)

This amendment is the minority report. The amendment provides that the per diem fees for members of the Board of Environmental Protection and the Maine Land Use Regulation Commission remain at the legislative per diem rate. The amendment specifies that members are entitled to expenses and it authorizes a meal allowance not to exceed the legislative meal allowance.

Enacted Law Summary

Public Law 2007, chapter 617 provides that the per diem fees for members of the Board of Environmental Protection and the Maine Land Use Regulation Commission remain at the legislative per diem rate. It specifies that members are entitled to expenses and it authorizes a meal allowance not to exceed the legislative meal allowance.

LD 1971 An Act Concerning Gasoline Station Vapor Recovery Requirements

PUBLIC 559

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM	S-465

This bill sets a date of August 1, 2008 for the repeal of the Maine Revised Statutes, Title 38, section 585-E, which concerns gasoline station vapor recovery requirements.

Committee Amendment "A" (S-465)

The amendment exempts from vapor recovery requirements gasoline stations that exceed an annual 1 million gallon gasoline throughput, that require excavation of underground storage tanks in order to repair or replace components of the Stage II vapor recovery system or that are constructed after the effective date of the amendment. The amendment also changes the repeal date of the Stage II vapor recovery system requirement to January 1, 2012. The amendment also repeals sections of law that required a report by February 1, 1996, required the Governor to confer

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with the joint standing committee of the Legislature having jurisdiction over natural resources matters by March 1, 1996 and require the Board of Environmental Protection to adopt rules if the United States Environmental Protection Agency disapproves the State's 15% reduction plan and the department to confer with the joint standing committee of the Legislature having jurisdiction over natural resources matters before it proposes revision of a Stage II vapor recovery system rule.

Enacted Law Summary

Public Law 2007, chapter 559 exempts from vapor recovery requirements gasoline stations that exceed an annual 1 million gallon gasoline throughput, that require excavation of underground storage tanks in order to repair or replace components of the Stage II vapor recovery system or that are constructed after the effective date of the public law. It also changes the repeal date of the Stage II vapor recovery system requirement to January 1, 2012. Chapter 559 also repeals sections of law that required a report by February 1, 1996, required the Governor to confer with the joint standing committee of the Legislature having jurisdiction over natural resources matters by March 1, 1996 and require the Board of Environmental Protection to adopt rules if the United States Environmental Protection Agency disapproves the State's 15% reduction plan and the department to confer with the joint standing committee of the Legislature having jurisdiction over natural resources matters before it proposes revision of a Stage II vapor recovery system rule.

LD 1983 An Act To Protect Public Safety, Provide for the Prudent Use of Landfill Capacity and Save Taxpayers Money

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	ONTP	

This bill provides that a person may not deliver waste of any kind in a vehicle with a gross vehicle weight of more than 50,000 pounds to a solid waste disposal facility, solid waste facility, solid waste landfill or waste facility if that facility or landfill is owned by the State and has been expanded or built out on or after the effective date of this legislation. It also provides that the operator of a solid waste disposal facility, solid waste facility, solid waste landfill or waste facility that has been expanded or built out on or after the effective date of this legislation and is owned by the State may not accept for delivery at that facility or landfill waste of any kind that has been hauled in a vehicle with a gross vehicle weight of more than 50,000 pounds. The bill requires the Executive Department, State Planning Office and the Department of Environmental Protection to determine the solid waste disposal capacity needs of the State as of January 1, 2008 for 3, 5 and 10 years and report their findings to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than November 5, 2008. Based on the capacity needs as of January 1, 2008, using the data from the report issued pursuant to this legislation the State Planning Office and the Department of Environmental Protection shall determine the capacity of state-owned landfills. The State Planning Office and the Department of Environmental Protection shall determine the State Planning Office's and the Department of Environmental Protection's ability to control the different and various waste streams flowing into state-owned landfills, broken down by waste stream and by the sources of these waste streams whether in state or out of state. The Department of Environmental Protection shall determine how best to control the flow of waste coming into the State in order to ensure the longevity of state-owned landfills and save taxpayers money. The Department of Environmental Protection shall adopt major substantive rules to extend the life of state-owned landfills.