

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

LD 2009

Resolve, Regarding Legislative Review of Portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Air Quality Control

**RESOLVE 190
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-797

This resolve provides for legislative review of portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a major substantive rule of the Department of Environmental Protection, Bureau of Air Quality Control.

Committee Amendment "A" (H-797)

This amendment clarifies that in order to be eligible for the sell-through exemption contained in the rule the outdoor wood boiler must have been purchased, paid for in full and in the State prior to April 1, 2008. It authorizes the optional use of setbacks from neighboring dwellings for the installation of new outdoor wood boilers and requires that setbacks next to state licensed school, daycare or healthcare facilities conform to the general setback requirements. It also requires the Department of Environmental Protection to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report on the implementation of the rule. Finally, it directs the Board of Environmental Protection to adopt rules to control the sale, installation, use and siting of outdoor wood boilers that combust biomass pellets as a fuel source.

Enacted Law Summary

Resolve 2007, chapter 190 authorizes final adoption of portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a major substantive rule of the Department of Environmental Protection, Bureau of Air Quality Control if certain changes are made to the rule. Chapter 190 clarifies that in order to be eligible for the sell-through exemption contained in the rule the outdoor wood boiler must have been purchased, paid for in full and in the State prior to April 1, 2008. It also authorizes the optional use of setbacks from neighboring dwellings for the installation of new outdoor wood boilers and requires that setbacks next to state licensed school, daycare or healthcare facilities conform to the general setback requirements.

Chapter 190 requires the Department of Environmental Protection to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report on the implementation of the rule. It also directs the Board of Environmental Protection to adopt rules to control the sale, installation, use and siting of outdoor wood boilers that combust biomass pellets as a fuel source.

Resolve 2007, chapter 190 was finally passed as an emergency measure effective April 9, 2008.

LD 2016 An Act To Safeguard Imperiled or Critically Imperiled Natural Communities within Protected Natural Resources

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

PERCY

ONTP

This bill provides protection under the Natural Resource Protection Act for imperiled or critically imperiled natural communities, as identified by the Department of Conservation, that are located within protected natural resources.