

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.

Joint Standing Committee on Natural Resources

LD 2017 An Act To Provide for Enforcement of the Office Paper Recycling Program

ONTP

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

Current law requires an employer of 15 or more people to implement an office paper and corrugated cardboard recycling program. This bill requires the Department of Environmental Protection to adopt major substantive rules regarding enforcement of the recycling program, including civil penalties.

LD 2018 An Act To Require the Accurate Designation of Floodplain Areas

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to require that the most current topographic and geographic information system data available be used when making municipal maps and changes to those maps, including those used for the designation of floodplain boundaries.

LD 2046 An Act Concerning Certain Excavations

PUBLIC 616

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD	OTP-AM	H-897

The bill clarifies that new protections to waterfowl wading habitat apply to new excavations and do not apply to gravel pits and quarries authorized by the Department of Environmental Protection prior to June 8, 2006. The bill also amends the performance standards for gravel pits and quarries to clarify that the department may allow excavation if a permit has been obtained under the Natural Resources Protection Act.

Committee Amendment "A" (H-897)

This amendment replaces the bill. The amendment clarifies the Natural Resources Protection Act permitting requirements for excavation within high and moderate value inland waterfowl and wading bird habitat. The amendment exempts from the site location of development law accessory uses and facilities within an excavation or quarry operating under the performance standards as long as the performance standards are at least as restrictive as the standards imposed under the site law. The amendment adds a lighting standard to the performance standards for gravel pits and quarries. The amendment directs the Department of Environmental Protection to compile and share information regarding inland waterfowl and wading bird habitat with gravel pits and quarries that were authorized prior to June 8, 2006.

Enacted Law Summary

Public Law 2007, chapter 616 clarifies the Natural Resources Protection Act permitting requirements for excavation within high and moderate value inland waterfowl and wading bird habitat. It exempts from the site location of development law accessory uses and facilities within an excavation or quarry operating under the performance standards as long as the performance standards are at least as restrictive as the standards imposed under the site law. It adds a lighting standard to the performance standards for gravel pits and quarries. It directs the Department of Environmental Protection to compile and share information regarding inland waterfowl and wading bird habitat with

Joint Standing Committee on Natural Resources

gravel pits and quarries that were authorized prior to June 8, 2006.

LD 2048 An Act To Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products

PUBLIC 643

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM MAJ OTP-AM MIN	H-898 H-948 PINGREE H-973 TARDY S-622 RAYE S-629 HOBBS S-632 MARTIN S-643 MARTIN

This bill requires manufacturers of children's products that contain chemicals of high concern to disclose information to the Department of Environmental Protection on their chemical use if the department designates the chemical as a priority chemical based on potential exposure of a child or fetus to that chemical. The bill authorizes the department to require replacement of a priority chemical in children's products with a safer alternative whenever it determines that a safer alternative is available for a specified use. The bill exempts use of priority chemicals for industrial or manufacturing purposes, in motor vehicles and components, as fuels or that are generated as combustion by-products. The bill authorizes the department to participate in an interstate clearinghouse to share information and cooperate with other states to promote safer chemicals in consumer products. The bill requires the department to report to the Legislature on implementation plans and related issues.

Committee Amendment "A" (H-898)

This amendment is the majority report. The amendment adds a declaration of policy. The amendment deletes the requirement to identify 100 priority chemicals of high concern. The amendment adds a provision authorizing the Department of Environmental Protection to include on the list of chemicals of high concern chemicals identified by specified entities. Prior to designating priority chemicals, the Department of Environmental Protection is required to consult with affected industries, independent experts and other interested parties and with the Department of Health and Human Services, Maine Center for Disease Control and Prevention. The amendment replaces a mandatory review and determination of safer alternatives by the Commissioner of Environmental Protection with authority granted to the Board of Environmental Protection to adopt rules restricting the sale of children's products containing priority chemicals if safer alternatives are available. The amendment authorizes the Commissioner of Environmental Protection to designate mercury or a mercury compound as a priority chemical for the purpose of adopting rules to prohibit the sale of a mercury-added product that is not currently regulated under the Maine Revised Statutes, Title 38, section 1661-C or 1667. The amendment repeals the biennial reporting requirement on brominated flame retardants for the purpose of freeing up existing resources to implement this chapter.

House Amendment "A" (H-948)

This amendment amends Committee Amendment "A" by clarifying the definition of "consumer product" to exclude paper or forest products. It allows additional information on priority chemicals to be provided by the manufacturer and distributor of children's products. It clarifies application of the new law on priority chemicals used in industry. It adds an exemption for watercraft. It also clarifies that the requirements are not exempt for packaging food and beverage products for the use of children under 3 years of age.

House Amendment "B" (H-973)

Under the provisions of Committee Amendment "A," the Department of Environmental Protection is allowed to assess a fee on a manufacturer or distributor to cover the costs to prepare an independent report regarding safer