

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
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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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provisions and other issues of concern to the stakeholder group.

If a children's product contains a priority chemical, the manufacturer or distributor of that product must notify the department. Supplemental information, including information on alternatives, may be required by the department. Under chapter 643, if the Department of Environmental Protection assesses a fee on a manufacturer or distributor to cover the costs to prepare an independent report regarding safer alternatives or to cover the department's reasonable costs in managing information it receives from a manufacturer or distributor, the determination of the fee must be done through major substantive rulemaking.

The Board of Environmental Protection may adopt major substantive rules prohibiting the manufacture or sale of a children's product containing a priority chemical if it finds that distribution of the product exposes children and vulnerable populations to the priority chemical and safer alternatives to the priority chemical are available at a comparable cost. If the Board of Environmental Protection prohibits the manufacture or sale of a children's product the manufacturer or distributor of the product must file a compliance plan with the commissioner or seek a waiver.

The law does not apply to: used products, chemicals for industrial or manufacturing purposes, motor vehicles or watercraft, chemicals generated solely as combustion by-products, retailers (unless they knowingly sell the children's product after receiving prior notification), products containing mercury that are regulated prior to the effective date of this law, telecommunications service providers and containers or packaging for a food or beverage product unless that product is intentionally marketed or intended for the use of children under 3 years of age. In addition, other items are excluded from the definition of "consumer product" and are therefore not covered by this law.

Chapter 643 authorizes the Department of Environmental Protection to participate in an interstate clearinghouse to promote safer chemicals in consumer products.

LD 2056 An Act To Conserve Gasoline and Preserve Clean Air

PUBLIC 582

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK	OTP-AM	H-765 H-820 HINCK

This bill sets limits on idling of motor vehicles. It provides that a person who owns a location where a diesel-powered commercial motor vehicle loads or unloads may not cause such a vehicle to idle for a period longer than 30 minutes while waiting to load or unload at that location. It provides that an owner or operator of a diesel-powered commercial motor vehicle may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period, subject to certain exemptions, such as while waiting to load or unload a vehicle. It provides that an owner or operator of a gasoline-powered motor vehicle, except a private passenger vehicle, may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period, subject to certain exceptions. It requires a warning to be issued for a first violation and a fine to be adjudged for a subsequent violation.

Committee Amendment "A" (H-765)

This amendment expands the application of the idling requirements and exemptions to include all commercial motor vehicles, not only diesel-powered. The amendment also:

1. Amends the general requirement for loading and unloading locations to require that, to the maximum extent practicable, a person who owns a location where a commercial motor vehicle, not subject to an exemption, loads or unloads must minimize delays in loading and unloading operations in order to reduce idling times;
2. Amends the exemption for emergency vehicles;
3. Creates an exemption for a utility vehicle idling during electric utility service restoration operations or when

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needed to protect temperature-sensitive electrical testing equipment;

4. Amends the exemption for idling when the temperature is 32 degrees Fahrenheit or below;
5. Creates an exemption for idling for the purpose of providing heat when the temperature is below 0 degrees Fahrenheit; and
6. Amends the penalty provisions to provide that a violation of the requirements of the law is a traffic infraction under the Maine Revised Statutes, Title 29-A, chapter 23, subchapter 6.

House Amendment "B" (H-820)

This amendment amends Committee Amendment "A." It clarifies that a commercial motor vehicle that is used in interstate commerce or on a highway in intrastate commerce is subject to the idling requirements. It amends the requirements for a person who owns a location where a commercial motor vehicle loads or unloads. It changes a time limitation for motor vehicles that idle when the temperature is 32 degrees Fahrenheit or below.

Enacted Law Summary

Public Law 2007, chapter 582 sets limits on idling of motor vehicles. It provides that a person who owns a location where a commercial motor vehicle, that is not subject to an exemption, loads or unloads may not cause a driver of that vehicle to idle for a period longer than 30 minutes by requesting that the vehicle continue running while waiting to load or unload at that location. It also requires such an owner to minimize delays in loading and unloading operations in order to reduce idling times. It provides that an owner or operator of a commercial motor vehicle may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period, subject to certain exemptions. It provides that an owner or operator of a gasoline-powered motor vehicle, except a private passenger vehicle, may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period, subject to certain exceptions. It sets penalties for violations of the idling limitations.

LD 2072 An Act To Conform the Laws Governing Underground Oil Storage Tanks to the Requirements of the Federal Energy Policy Act

PUBLIC 534

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-743 H-749 EBERLE

The bill:

1. Requires owners and operators of underground oil storage tanks to have the tanks inspected at least once every 3 years by a certified underground oil storage tank inspector or installer who is not the tank owner or operator, an employee of the tank owner or operator or a person having daily on-site responsibility for the tank. This provision does not change the requirement for the tanks to be inspected annually;
2. Requires annual inspection reports to be submitted to the Department of Environmental Protection within 30 days of the inspection date;
3. Gives the Department of Environmental Protection authority to prohibit the delivery of oil to underground oil storage tanks that are not inspected, operated and maintained in compliance with the law; and
4. Directs the Department of Environmental Protection to develop a training program for owners and operators of federally regulated underground oil storage tanks.

Committee Amendment "A" (H-743)