

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

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)

Joint Standing Committee on Natural Resources

This amendment requires a threat of release to be imminent in order for the Commissioner of Environmental Protection to issue an administrative order to cease operation of an underground oil storage tank. It also removes the authority of the Department of Environmental Protection to allow a tank owner or operator to affix a red tag to a tank and instead requires department staff to affix the tag.

House Amendment "A" (H-749)

This amendment removes language that would require the Commissioner of Environmental Protection to find that the threat of an oil release is imminent before the commissioner can issue an administrative order prohibiting the operation of an oil storage tank that is out of compliance with the operation and maintenance requirements of Maine law. The amendment authorizes the owner or operator of an oil storage tank that is subject to an administrative order prohibiting operation of the tank to dispense any remaining oil in the tank if the commissioner finds that doing so does not pose a threat of release of product or would reduce that threat.

Enacted Law Summary

Public Law 2007, chapter 534 does the following:

1. It 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. It requires annual inspection reports to be submitted to the Department of Environmental Protection within 30 days of the inspection date;
3. It 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. It authorizes the owner or operator of an oil storage tank that is subject to an administrative order prohibiting operation of the tank to dispense any remaining oil in the tank if the commissioner finds that doing so does not pose a threat of release of product or would reduce that threat; and
4. It directs the Department of Environmental Protection to develop a training program for owners and operators of federally regulated underground oil storage tanks.

LD 2073 An Act To Prevent Contamination of Drinking Water Supplies

PUBLIC 569

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE	OTP-AM	H-821

The bill restricts certain types of development near drinking water wells to prevent contamination by oil and hazardous matter. The bill gives municipal code enforcement officers the authority to enforce the restrictions.

Committee Amendment "A" (H-821)

This amendment strikes the provisions in the bill that call for the new wellhead protection requirements to be administered and enforced primarily at the local level. It amends the definition of "aboveground oil storage tank," adds a definition of the term "aboveground heating oil supply tank" and clarifies the definition of "double-walled tank." It amends the provisions regarding installation requirements for aboveground heating oil supply tanks. It strikes the provision in the bill that requires the registration of aboveground oil storage facilities in wellhead protection zones and over sand and gravel aquifers. It eliminates language authorizing the Commissioner of Environmental Protection to enjoin the operation of a facility installed in violation of the new siting restrictions and replaces it with more comprehensive enforcement language. It requires the Department of Defense, Veterans and