

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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REP. BERNARD L. A. AYOTTE

STAFF:

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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 2216

An Act To Streamline and Ensure Adequate Funding for the Bureau of Air Quality

PUBLIC 589

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-753 S-493 MARTIN

This bill adjusts the annual fee surcharge to licensed air emission sources. The additional revenue raised when applying this new surcharge to the most current toxicity information available, as determined by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, and the most current emissions inventory, as determined by the Department of Environmental Protection, will be used to sustain funding for the core program of the Department of Environmental Protection, Bureau of Air Quality. The bill also reduces the administrative procedures for billing of annual license fees. Instead of sending out bills for licenses that expire each month, the bureau will send out bills only once each quarter for the licenses that expire during that quarter. The nonpayment period for each license is extended from 30 to 60 days to accommodate this change in billing procedures. Finally, the bill changes the definition of "air quality score" to "toxicity score."

Committee Amendment "A" (H-753)

This amendment establishes the frequency of stack tests for chlorine or chlorine dioxide as no more than once every 5 years. It also changes the frequency of required particulate matter stack tests from every 2 years to every 5 years. The amendment allows the Department of Environmental Protection to increase the frequency of testing if other information indicates possible air emission compliance issues or if there are more stringent federal requirements.

Senate Amendment "A" (S-493)

This amendment establishes a minimum revenue threshold for funding state air quality protection and improvement activities from the collection of air emissions license fee surcharge money. If the minimum annual revenue threshold is not met, the commissioner may increase the annual fee surcharge up to \$4 per 1,000 air quality units. It also establishes a reporting requirement on the adequacy of the minimum revenue threshold in terms of its ability to support ongoing air quality protection and improvement activities, including any fee adjustments and the justification for those adjustments. This amendment also requires air quality monitoring in the Town of Bradley for a limited period of time.

Enacted Law Summary

Public Law 2007, chapter 589 establishes a minimum revenue threshold for funding state air quality protection and improvement activities from the collection of air emissions license fee surcharge money. If the minimum annual revenue threshold is not met, the commissioner may increase the annual fee surcharge up to \$4 per 1,000 air quality units. It also establishes a reporting requirement on the adequacy of the minimum revenue threshold in terms of its ability to support ongoing air quality protection and improvement activities, including any fee adjustments and the justification for those adjustments.

Chapter 589 also makes the following changes.

1. It reduces the administrative procedures for billing of annual license fees. Instead of sending out bills for licenses that expire each month, the bureau will send out bills only once each quarter for the licenses that expire during that quarter. The nonpayment period for each license is extended from 30 to 60 days to accommodate this change in billing procedures.
2. It changes the definition of "air quality score" to "toxicity score."
3. It establishes the frequency of stack tests for chlorine or chlorine dioxide as no more than once every 5 years and

Joint Standing Committee on Natural Resources

it changes the frequency of required particulate matter stack tests from every 2 years to every 5 years. It allows the Department of Environmental Protection to increase the frequency of testing if other information indicates possible air emission compliance issues or if there are more stringent federal requirements.

4. It requires air quality monitoring in the Town of Bradley for a limited period of time.

LD 2223 An Act To Expand the Natural Resources Protection Act Compensation Program

PUBLIC 527

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-456 MARTIN

This bill expands the section of the Natural Resources Protection Act concerning compensation for unavoidable impacts to freshwater and coastal wetlands to also address compensation for unavoidable impacts to significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas.

Senate Amendment "A" (S-456)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 527 expands the section of the Natural Resources Protection Act concerning compensation for unavoidable impacts to freshwater and coastal wetlands to also address compensation for unavoidable impacts to significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas.

LD 2227 An Act To Minimize the Potential for Slope Failure in Gravel Pits

PUBLIC 507

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

This bill, submitted by the Joint Standing Committee on Natural Resources pursuant to Public Law 2007, chapter 364, amends the water quality protection and storm water management performance standard for excavations in gravel pits. It requires that measures be taken to prevent storm water from ponding at the base of a reclaimed slope or a working pit that is adjacent to steep slopes and a protected natural resource.

Enacted Law Summary

Public Law 2007, chapter 507 amends the water quality protection and storm water management performance standard for excavations in gravel pits. It requires that measures be taken to prevent storm water from ponding at the base of a reclaimed slope or a working pit that is adjacent to steep slopes and a protected natural resource.

LD 2230 An Act To Amend the Laws Governing Reports Related to Natural Resources

PUBLIC 619

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-544