

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

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

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This bill makes the following changes to the laws governing reports related to natural resources.

1. It provides for biennial reporting by the Land and Water Resources Council. Current law requires an annual report.
2. It eliminates the requirement that the Department of Health and Human Services report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the Radioactive Waste Fund.
3. It eliminates the requirement that the Department of Health and Human Services report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on fees for radiation protection services.
4. It eliminates the requirement that the Commissioner of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over energy and natural resources matters on certain permitting and licensing activities.
5. It eliminates the requirement that the Commissioner of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on water use reporting. It requires the Department of Environmental Protection to report water use data to the Water Resources Planning Committee.
6. It eliminates the requirement that the Department of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on low-emission vehicle standards.
7. It eliminates the requirement that the Department of Environmental Protection report to the Legislature regarding tire stockpiles.
8. It repeals the laws that establish and govern the Radioactive Waste Advisory Commission Fund, including a requirement that the Commissioner of Health and Human Services report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding the fund, to reflect the repeal of the laws that established and governed the Advisory Commission on Radioactive Waste and Decommissioning. It also amends a provision that refers to this repealed advisory commission.

Committee Amendment "A" (S-544)

This amendment changes a reporting requirement on the California low-emission vehicle standards from an annual report to a periodic report. It also removes from the bill the repeal of a reporting requirement regarding tire stockpiles because the reporting requirement was repealed in another law.

Enacted Law Summary

Public Law 2007, chapter 619 makes the following changes to the laws governing reports related to natural resources.

1. It provides for biennial reporting by the Land and Water Resources Council. Current law requires an annual report.
2. It eliminates the requirement that the Department of Health and Human Services report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the Radioactive Waste Fund.
3. It eliminates the requirement that the Department of Health and Human Services report annually to the joint

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standing committee of the Legislature having jurisdiction over natural resources matters on fees for radiation protection services.

4. It eliminates the requirement that the Commissioner of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over energy and natural resources matters on certain permitting and licensing activities.
5. It eliminates the requirement that the Commissioner of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on water use reporting. It requires the Department of Environmental Protection to report water use data to the Water Resources Planning Committee.
6. It changes a Department of Environmental Protection reporting requirement on the California low-emission vehicle standards from an annual report to a periodic report.
7. It repeals the laws that establish and govern the Radioactive Waste Advisory Commission Fund, including a requirement that the Commissioner of Health and Human Services report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding the fund, to reflect the repeal of the laws that established and governed the Advisory Commission on Radioactive Waste and Decommissioning. It also amends a provision that refers to this repealed advisory commission.

LD 2235 An Act To Sustain Maine's Core Wastewater Licensing Program and Adjust Related Provisions

PUBLIC 558

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN MARTIN	OTP-AM	H-779

This bill moves storm water management law fees from the storm water management law into the Department of Environmental Protection's fee schedule and breaks existing fees into processing and certification or license fees consistent with other fees. It amends wastewater discharge fees. It provides that when a waste discharge licensee continues to discharge following expiration of a license, the license fees must continue to be paid. It repeals the Maine Revised Statutes, Title 38, section 353-B, subsection 6, which established fees that applied during the initial year after the effective date of Title 38, section 353-B.

Committee Amendment "A" (H-779)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 558 moves storm water management law fees from the storm water management law into the Department of Environmental Protection's fee schedule and breaks existing fees into processing and certification or license fees consistent with other fees. It amends wastewater discharge fees. It provides that when a waste discharge licensee continues to discharge following expiration of a license, the license fees must continue to be paid. It repeals the Maine Revised Statutes, Title 38, section 353-B, subsection 6, which established fees that applied during the initial year after the effective date of Title 38, section 353-B.