

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> 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 123<sup>rd</sup> Maine  
Legislature coming from the

**JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

May 2008

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**STATE OF MAINE**  
123<sup>RD</sup> 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 123<sup>rd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.<sup>1</sup> 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 123<sup>rd</sup> Legislature.

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<sup>1</sup> 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 2249 An Act To Protect Lake Water Quality**

**PUBLIC 593**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-864

This bill is submitted by the Joint Standing Committee on Natural Resources pursuant to Public Law 2007, chapter 65. It authorizes municipalities to assess annual fees under certain conditions to property owners whose properties are accessed by a private road. It requires excavation contractors working in the shoreland zone to ensure that a person certified in erosion control practices is in charge of erosion control practices at the site. It changes the phosphorous compensation fee. It authorizes the Department of Environmental Protection to allow applicants to meet municipal mitigation requirements in lieu of paying a compensation fee.

**Committee Amendment "A" (H-864)**

The amendment removes from the bill the authority for municipalities to assess annual fees under certain conditions to property owners whose properties are accessed by a private road. The amendment clarifies that on-site supervision by an excavation contractor certified in erosion control must be of a sufficient duration to ensure that proper erosion and sedimentation control practices are followed and that the requirement that a contractor certified in erosion control be on site does not apply to activities resulting in less than one cubic yard of earth material being added or displaced. The amendment directs the Department of Environmental Protection to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report evaluating strategies to diminish the impact of private roads, driveways and boat ramps on lake water quality.

**Enacted Law Summary**

Public Law 2007, chapter 593 requires excavation contractors working in the shoreland zone to ensure that a person certified in erosion control practices is in charge of erosion control practices at the site. It changes the phosphorous compensation fee. It authorizes the Department of Environmental Protection to allow applicants to meet municipal mitigation requirements in lieu of paying a compensation fee. It directs the Department of Environmental Protection to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report evaluating strategies to diminish the impact of private roads, driveways and boat ramps on lake water quality.

**LD 2263 An Act Establishing an Outdoor Wood Boiler Fund**

**PUBLIC 680**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-567

This bill creates the Outdoor Wood Boiler Fund with which outdoor wood boilers determined by the Department of Environmental Protection to constitute a nuisance condition or threat to public health or safety will be purchased by the State and retired or replaced with units that do not create a nuisance condition or threat to public health or safety. The bill also provides the Commissioner of Environmental Protection the authority to shut down any outdoor wood boiler that creates a nuisance condition or threat to public health or safety.

**Committee Amendment "A" (S-567)**

This amendment clarifies the emergency powers of the Commissioner of Environmental Protection relating to outdoor wood boilers that create a nuisance condition or a danger to public health or safety. The amendment adds the upgrade of outdoor wood boilers to the authorized uses of the Outdoor Wood Boiler Fund. The amendment also repeals the section of law that establishes the Outdoor Wood Boiler Fund on August 31, 2013. This amendment adds an appropriations and allocations section to the bill.

## *Joint Standing Committee on Natural Resources*

### **Enacted Law Summary**

Public Law 2007, chapter 680 creates, until August 31, 2013, the Outdoor Wood Boiler Fund which the Department of Environmental Protection shall use to upgrade, purchase and replace outdoor wood boilers that the department has determined constitute a nuisance condition or threat to public health or safety. The bill also provides the Commissioner of Environmental Protection with emergency powers if the commissioner finds that an outdoor wood boiler creates a nuisance condition or threat to public health or safety.