

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

July 2009

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STATE OF MAINE

124TH 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 First Regular Session of the 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Natural Resources

LD 63 An Act To Reduce Registration Fees for Certain Generators of Biomedical Waste

ONTP

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

This bill requires the Department of Environmental Protection to adopt rules assessing a one-time registration fee of \$50 for generators of less than 10 pounds of biomedical waste per month in lieu of the current rules that provide for an annual registration fee. It also provides that a generator registered as producing less than 10 pounds of biomedical waste per month may not be reclassified based on immunizations for annual influenza or mass immunizations for a pandemic.

LD 107 An Act To Change the Classification of Man-made Wetlands

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS TRAHAN	ONTP MAJ OTP-AM MIN	

The bill exempts man-made wetlands from state regulation under the Natural Resources Protection Act unless the man-made wetlands were created in connection with a compensation project.

Committee Amendment "A" (H-28)

This amendment incorporates a fiscal note. This amendment was not adopted.

LD 199 An Act To Facilitate Wind Power Siting

ONTP

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

This bill amends the laws governing the siting of wind energy developments. The bill grants the state-level wind power siting authority, which is the Department of Environmental Protection or the Maine Land Use Regulation Commission depending on the location of a given wind power development, sole jurisdiction for approving the construction and initial operation of a wind energy development. Specifically, the bill prohibits any other state or local governmental entity from requiring any approval, permit or other condition for the construction or initial operation of a wind energy development that has been certified or permitted by the wind power siting authority. The bill changes the terminology used in the law from "primary siting authority" to "wind power siting authority" to reflect the removal of any secondary authority over siting of wind power development.

The bill also amends the definition of "wind power siting authority" to specify the Department of Environmental Protection and the Maine Land Use Regulation Commission as the siting authority for the smaller-scale wind energy

Joint Standing Committee on Natural Resources

developments that are subject to approval by the department or commission. Under current law, the siting authority is only defined for the larger grid-scale wind energy developments. The bill also amends the law to require a wind power siting authority to hold a public hearing on any application for approval of a wind energy development and to require a decision in 210 days from acceptance of a complete application.

LD 207 An Act Concerning Regulation of Borrow Pit Excavations ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON SMITH D	ONTP	

This bill amends the law concerning borrow pits by removing the provision that requires an excavation to meet the performance standards if there is a common owner or operator of adjacent parcels and the total excavated area on the combined parcels is 5 acres or greater.

**LD 208 An Act To Require a Municipality That Abuts a Body of Water To
Contribute to the Cost of Upkeep of Municipally Owned Dams on That
Body of Water ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES BRYANT B	ONTP	

This bill requires the apportionment of maintenance and repair costs for municipally owned dams between the municipality that owns the dam and all municipalities that abut the body of water contained by the dam.

**LD 229 An Act To Promote Clean Waters in the State ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	ONTP MAJ OTP-AM MIN	

This bill prohibits the Department of Environmental Protection from licensing a discharge of untreated sewage to any water of the State by a municipal or quasi-municipal sewerage system beginning January 1, 2013. It also provides that beginning January 1, 2013 a municipality that discharges untreated sewage to any water of the State may not receive state-municipal revenue sharing.

Committee Amendment "A" (S-34)

This amendment adds a mandate preamble and an appropriations and allocations section. This amendment was not adopted.