

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
FIRST REGULAR SESSION



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 387 An Act To Protect Groundwater and Surface Water from Contamination

LEAVE TO WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE GOODALL	LTW	

This bill defines "offal." The bill also requires the Board of Environmental Protection to adopt rules relating to the composting of offal. The bill also limits the volume of offal that a hazardous waste site or facility may compost to 30 cubic yards in any 30-day period without the site's or facility's first obtaining a license.

LD 431 An Act To Make the Site Location of Development Laws More Development Friendly

ONTP

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

The site location of development laws currently require state review of any proposed structure that would result in a total project occupying a ground area in excess of 3 acres. This 3-acre threshold for review includes areas that are stripped or graded and not revegetated within one calendar year. This bill extends from one year to 10 years the amount of time a developer has to revegetate stripped or graded areas before those areas can be included in calculating the 3-acre site law review threshold.

LD 460 Resolve, To Evaluate Climate Change Adaptation Options for the State

RESOLVE 16

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP MAJ ONTP MIN	

This resolve directs the Department of Environmental Protection to create a stakeholder group to evaluate the options available to Maine people and businesses for adapting to the most likely impacts of climate change and to focus on the climate impact assessment by the University of Maine that concluded that climate change is already occurring in the State as a result of increased levels of greenhouse gases in the atmosphere. The department is to report recommendations, along with proposed legislation, to the Joint Standing Committee on Natural Resources by February 27, 2010.

Enacted Law Summary

Resolve 2009, chapter 16 directs the Department of Environmental Protection to create a stakeholder group to evaluate the options available to Maine people and businesses for adapting to the most likely impacts of climate change and to focus on the climate impact assessment by the University of Maine. The department is to report recommendations, along with proposed legislation, to the Joint Standing Committee on Natural Resources by February 27, 2010 and the committee is authorized to submit legislation related to the report to the Second Regular

Joint Standing Committee on Natural Resources

Session of the 124th Legislature.

LD 476 An Act To Amend Certain Laws Administered by the Department of Environmental Protection

PUBLIC 121

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-56

This bill:

1. Amends the Maine Revised Statutes to add “remand” to the list of actions the Board of Environmental Protection may take in response to an appeal of a commissioner’s licensing decision;
2. Amends the length of terms on the Pollution Prevention Advisory Committee from 3 years to 4 years;
3. Amends the Clean Government Initiative by removing the requirement to file biennial plans and adding state-supported institutions of higher learning to those agencies whose activities must be reported to the Legislature;
4. Clarifies the Department of Environmental Protection’s authority to consider license amendment and surrender applications;
5. Changes a reference date in the definitions of "Code of Federal Regulations" and the "Federal Water Pollution Control Act" from July 1, 2007 to July 1, 2009;
6. Authorizes the department to recover the cost of preparing and implementing a plan to restore natural resources damaged by the discharge of oil or hazardous matter from the persons responsible for the discharge;
7. Clarifies the scope and purpose of Title 38, chapter 3, subchapter 2-B, which governs oil storage tanks;
8. Amends the laws governing oil storage tanks to clarify that a person who suffers a discharge from an oil storage tank must clean it up immediately whether or not the discharge is shown to reach groundwater, encourage the reporting of discharges from oil storage tanks whether or not the discharge is known to have reached groundwater and clarify that money may be disbursed from the Ground Water Oil Clean-up Fund to pay damages related to a discharge from an oil storage facility whether or not the discharge is shown to have reached groundwater;
9. Amends Maine’s ambient air quality standards for particulate matter to make them consistent with national ambient air quality standards for particulate matter;
10. Requires the Commissioner of Environmental Protection to charge interest at a rate of 15% per annum on amounts owed to the Uncontrolled Sites Fund by responsible parties; and
11. Clarifies the applicability of the laws banning the sale of products that contain polybrominated diphenyl ether.

Committee Amendment "A" (S-56)

This amendment makes the following changes to the bill.

1. It clarifies a provision in the bill regarding voluntary surrender of a license.
2. It changes a term used in the bill from "an oil storage facility" to "an underground oil storage facility or an