

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.

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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

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aboveground oil storage facility" since the term "oil storage facility" is not defined in statute.

3. It amends a provision in the bill that authorizes the Commissioner of Environmental Protection to charge interest.
4. It strikes a provision in the bill that repealed the exemptions to the "deca" sales ban.
5. It adds a provision to the bill that allows a de minimis level of the "deca" mixture of polybrominated diphenyl ethers in electronics to be consistent with the de minimis level allowed in products containing the "penta" and "octa" mixtures.
6. It adds a provision to the bill that amends the law governing recovery of costs incurred to undertake the abandonment of underground oil storage facilities and tanks. It directs the commissioner to seek recovery of those costs regardless of whether the costs were paid from state or federal funds.

Enacted Law Summary

Public Law 2009, chapter 121:

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 that a license may be voluntarily surrendered by the license holder;
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 not to exceed the prime rate of interest plus 4% on amounts owed to the Uncontrolled Sites Fund by responsible parties;
11. Allows a de minimis level of the "deca" mixture of polybrominated diphenyl ethers in electronics to be consistent with the de minimis level allowed in products containing the "penta" and "octa" mixtures; and
12. Amends the law governing recovery of costs incurred to undertake the abandonment of underground oil storage facilities and tanks. It directs the commissioner to seek recovery of those costs regardless of whether the costs were

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paid from state or federal funds.

LD 506 An Act To Protect Public Safety and Provide for the Prudent Use of Landfill Capacity ONTP

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

This bill provides that a person may not deliver waste of any kind in a vehicle with a gross vehicle weight of more than 80,000 pounds to a solid waste disposal facility, solid waste facility, solid waste landfill or waste facility if that facility or landfill is owned by the State and has been expanded on or after October 1, 2009. It also provides that the operator of a solid waste disposal facility, solid waste facility, solid waste landfill or waste facility that has been expanded on or after the effective date of this Act and is owned by the State may not accept for delivery at that facility or landfill waste of any kind that has been hauled in a vehicle with a gross vehicle weight of more than 80,000 pounds. The bill requires the Executive Department, State Planning Office and the Department of Environmental Protection to determine the solid waste disposal capacity needs of the State as of January 1, 2009 for 3, 5 and 10 years and report their findings to the Joint Standing Committee on Natural Resources no later than November 5, 2009. Based on the capacity needs as of January 1, 2009, the State Planning Office and the Department of Environmental Protection shall determine the capacity of state-owned landfills. The State Planning Office and the Department of Environmental Protection shall determine their ability to control the different and various waste streams flowing into state-owned landfills, broken down by waste stream and by the sources of these waste streams, whether in-state or out-of-state. The Department of Environmental Protection shall determine how best to control the flow of waste coming into the State in order to ensure the longevity of state-owned landfills and save taxpayers money. The Department of Environmental Protection shall adopt major substantive rules to extend the life of state-owned landfills.

LD 515 An Act To Allow a Municipality To Recover Emergency Response Costs from a Natural Gas Utility in Certain Cases ONTP

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

This bill clarifies that the term "hazardous matter" includes natural gas that has been released into ambient air in order for that event to qualify for reimbursement when municipalities recover emergency response costs.

LD 535 An Act To Allow the Temporary Placement of Structures To Protect Property from Natural Disasters ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE NASS R	ONTP	

This bill allows an owner or occupier of a property to erect a temporary structure on the property without a permit to protect the property from a natural disaster, occurrence or event. The structure must be removed as soon as