

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

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

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practicable within seven months of its completion. A support or substructure for the structure may remain if the support or substructure does not interfere with any natural element or process.

LD 536 An Act To Enhance Maine's Electronic Waste Recycling Law

PUBLIC 397

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK GOODALL	OTP-AM MAJ OTP-AM MIN	H-499 S-307 GOODALL

This bill amends Maine's electronics recycling laws to do the following.

1. It adds desktop printers and video game consoles to the electronic devices covered by the recycling laws.
2. It clarifies that digital picture frames are a type of computer monitor and, as such, are subject to the recycling laws.
3. It repeals provisions that currently require manufacturers of covered electronic devices to submit a recycling plan and an annual report to the Department of Environmental Protection and replaces the repealed manufacturer responsibility provisions with an annual registration requirement.

Committee Amendment "A" (H-499)

This amendment is the majority report of the committee. The amendment requires manufacturers of computer monitors, televisions, desktop printers and video game consoles to pay an annual registration fee of \$3,000. Effective January 1, 2010, it changes the basis for video game console manufacturers' responsibility for recycling video game consoles to a market share basis and it removes television manufacturers' responsibility for recycling televisions under a return share basis.

Committee Amendment "B" (H-500)

This amendment is the minority report of the committee. Effective January 1, 2010, it changes the basis for video game console manufacturers' responsibility for recycling video game consoles to a market share basis and it removes television manufacturers' responsibility for recycling televisions under a return share basis. It differs from the majority report in that it does not require manufacturers of computer monitors, televisions, desktop printers and video game consoles to pay an annual registration fee of \$3,000. This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-307)

This amendment corrects a conflict between the enacted versions of LD 536 and LD 1156. It incorporates the changes made in this bill to those recently enacted in Public Law 2009, chapter 231. This amendment strikes the emergency preamble and emergency clause and extends the date by which manufacturers must submit the first registration from July 1, 2009 to July 1, 2010.

Enacted Law Summary

Public Law 2009, chapter 397 amends Maine's electronics recycling laws to do the following.

1. It adds desktop printers and video game consoles to the electronic devices covered by the recycling laws.
2. It clarifies that digital picture frames are a type of computer monitor and, as such, are subject to the recycling laws.