

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

July 2009

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**STAFF:**

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

# STATE OF MAINE

124<sup>TH</sup> 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 124<sup>th</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:

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 124<sup>th</sup> 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 723      Resolve, To Require the Department of Environmental Protection To Amend Its Rules for Hydropower Projects To Require a Detailed Cost-benefit Analysis**

**ACCEPTED ONTP  
REPORT**

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

This resolve requires the Department of Environmental Protection to amend its rules for hydropower projects to require a detailed cost-benefit analysis.

**Committee Amendment "A" (S-51)**

Since the Department of Environmental Protection and the Maine Land Use Regulation Commission jointly adopted the administrative regulations for hydropower projects, the amendment requires both the Maine Land Use Regulation Commission and the Department of Environmental Protection to amend their rules. This amendment was not adopted.

**LD 746      An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Natural Resources**

**ONTP**

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

This bill eliminates the Department of Environmental Protection, Office of Innovation and Assistance and transfers the duties of that office to the Department of Economic and Community Development, Office of Innovation. This bill also eliminates funding for a total of seven positions within the Department of Environmental Protection, five of which are associated with the Office of Innovation and Assistance and two whose duties include serving as legislative liaisons for the department.

**LD 759      An Act To Require State-owned Solid Waste Disposal Facilities To Demonstrate a Public Benefit**

**PUBLIC 348**

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

Under current law, a state-owned landfill that was in operation prior to June 1, 2007 or an expansion of that facility is exempt from demonstrating a significant public benefit. The bill removes that exemption.

**Enacted Law Summary**

Public Law 2009, chapter 348 amends the law that exempts a state-owned landfill that was in operation prior to June 1, 2007 or an expansion of that facility from demonstrating a significant public benefit. Chapter 348 removes that

# Joint Standing Committee on Natural Resources

exemption.

LD 760 An Act To Improve Landfill Capacity

PUBLIC 412

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE GOODALL	OTP-AM	H-451 H-520 DUCHESNE

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to increase the availability of landfill space by either conserving capacity in current publicly owned landfills or allowing limited expansion of current privately owned landfills.

### Committee Amendment "A" (H-451)

This amendment replaces the bill and it does the following.

Part A makes changes to the laws governing processing facilities that generate residue requiring disposal. Current law requires processing facilities that generate residue requiring disposal to recycle waste accepted at the facility "to the maximum extent practicable," but in no case at a rate less than 50%. Current law also requires the Department of Environmental Protection to adopt major substantive rules relating to processing facility recycling and prohibits the department from enforcing the recycling requirements of the law until the rules defining "to the maximum extent practicable" are in effect. The amendment changes the rules from major substantive to routine technical and removes the provision that prohibits the Department of Environmental Protection from enforcing the recycling requirements until the rules defining "to the maximum extent practicable" are in effect. The amendment also requires the Department of Environmental Protection to submit a report to the Joint Standing Committee on Natural Resources by February 1, 2010 relating to the development and status of the rules that define "to the maximum extent practicable" and authorizes the committee to submit legislation to the Second Regular Session of the 124th Legislature. The amendment also requires the Department of Environmental Protection to adopt rules that define "to the maximum extent practicable" by April 1, 2010.

Part B changes the session at which the Joint Standing Committee on Natural Resources is authorized to report out legislation relating to duties and responsibilities of the Department of Environmental Protection and the Executive Department, State Planning Office regarding solid waste management duties and responsibilities. Current law authorizes the committee to report out legislation to the First Regular Session of the 124th Legislature; the amendment authorizes the committee to report out legislation to the Second Regular Session of the 124th Legislature. The amendment also requires the State Planning Office to conduct a review and assessment of the State's solid waste management policy with a focus on state-owned landfill funding, management and operation and authorizes the Joint Standing Committee on Natural Resources to submit legislation to the Second Regular Session of the 124th Legislature.

Part C amends the law that prohibits expansion of commercial solid waste disposal facilities by authorizing a commercial landfill that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the licensee. Current law requires that the proposed expansion be contiguous with the existing facility and be located on property owned on December 31, 1989 by the licensee or by a corporation or other business entity under common ownership or control with the licensee.

### House Amendment "B" To Committee Amendment "A" (H-520)