

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

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)

Joint Standing Committee on Natural Resources

This amendment removes the provision in the committee amendment that authorizes 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 and instead directs the Executive Department, State Planning Office to include in its study whether the existing law should be amended.

Enacted Law Summary

Public Law 2009, chapter 412 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. Chapter 412 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. Chapter 412 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. Chapter 412 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; chapter 412 authorizes the committee to report out legislation to the Second Regular Session of the 124th Legislature. Chapter 412 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. The State Planning Office's review must also include whether the current restriction on the expansion of commercial solid waste disposal facilities should be amended to allow a currently existing facility to expand onto contiguous property. The Joint Standing Committee on Natural Resources is authorized to submit legislation to the Second Regular Session of the 124th Legislature.

LD 837 An Act To Protect Maine's Groundwater

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| ADAMS BOWMAN | ONTP | |

This bill provides that the people of this State have the same common interest in groundwater as in fresh surface waters. It also provides that groundwater is due all the same protections as fresh surface waters in lakes and streams.