

# 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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# 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 1042

An Act To Continue To Reduce Mercury Use and Emissions

PUBLIC 277

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	H-346

This bill clarifies the definition of the term "mercury switch" as used in the law on mercury-added products. The bill bans the sale of devices used to balance motor vehicle wheels and devices used to reduce recoil when discharging firearms if the devices contain mercury. The bill amends the law governing removal of mercury switches from motor vehicles to give automakers flexibility in the design of systems put in place to collect mercury switches from automobile recyclers and junkyard operators who are required by law to remove the switches. The bill also eliminates the need to record the 17-digit vehicle identification number as a prerequisite to payment of the switch bounty. Automakers will be required to pay a minimum of \$4 for each switch delivered to them for recycling whether or not the vehicle identification number of the source vehicle is provided. The bill consolidates the law banning the sale of mercury thermostats with the law that requires manufacturers to establish a program to collect and recycle mercury thermostats placed in service before the ban. The bill amends the law on collection and recycling of mercury thermostats to:

1. Limit the applicability of the manufacturer collection requirement by defining "manufacturer" to exclude persons whose brand or label appears on the thermostat if the thermostat was manufactured by someone else;
2. Require manufacturers of mercury thermostats to submit a quarterly report on the number of thermostats and amount of mercury collected to the Department of Environmental Protection;
3. Require manufacturers to implement an education and outreach plan approved by the Department of Environmental Protection and to annually submit a proposed plan to the department for review; and
4. Expand the collection and recycling program to include retailers who volunteer to participate.

### **Committee Amendment "A" (H-346)**

This amendment removes the sections of the bill that ban the sale of mercury-added recoil reduction devices and wheel balancing products. The amendment removes the provision in the bill that proposed to change the requirement that a vehicle identification number must be provided in order to receive payment under the automobile mercury switch recycling program. The amendment makes the following changes to the proposals to amend the law on the collection and recycling of mercury thermostats.

1. It amends the definition of "manufacturer" and adds a definition of "wholesaler."
2. It authorizes a one-time fee not to exceed \$25 for bins for mercury-added thermostat collection.
3. It amends the annual report requirements.
4. It amends the quarterly reporting requirements.
5. It removes the required education and outreach plan.
6. It authorizes a manufacturer to terminate a retailer's participation in the collection program after two written notices. The bill proposed termination after three written notices.

# Joint Standing Committee on Natural Resources

## Enacted Law Summary

Public Law 2009, chapter 277 clarifies the definition of the term "mercury switch" as used in the law on mercury-added products. It amends the law governing removal of mercury switches from motor vehicles to give automakers flexibility in the design of systems put in place to collect mercury switches from automobile recyclers and junkyard operators who are required by law to remove the switches. It consolidates the law banning the sale of mercury thermostats with the law that requires manufacturers to establish a program to collect and recycle mercury thermostats placed in service before the ban. It amends the law on collection and recycling of mercury thermostats.

### LD 1051 An Act To Encourage Tire Recycling

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a system to assist with the proper disposal of tires. The bill would impose a deposit, paid by the consumer, on a new tire sold to the consumer. Upon returning the tire to a municipal recycling center or authorized tire dealership, the consumer would be refunded the deposit.

### LD 1134 An Act Regarding the Maximum Fee for Processing an Environmental License Application

**PUBLIC 160  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-155

This bill implements the recommendations of the Department of Environmental Protection in its report to the Legislature pursuant to Public Law 2007, chapter 655. The bill provides that fees associated with an application processed by the Department of Environmental Protection may not exceed \$250,000.

#### Committee Amendment "A" (H-155)

This amendment incorporates a fiscal note.

## Enacted Law Summary

Public Law 2009, chapter 160 implements the recommendations of the Department of Environmental Protection in its report to the Legislature pursuant to Public Law 2007, chapter 655. The bill provides that fees associated with an application processed by the Department of Environmental Protection may not exceed \$250,000.

Public Law 2009, chapter 160 was enacted as an emergency measure effective September 1, 2009.