

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. SETH A. GOODALL, CHAIR
SEN. DEBORAH L. SIMPSON
SEN. DOUGLAS M. SMITH

REP. ROBERT S. DUCHESNE, CHAIR
REP. JOHN L. MARTIN
REP. JANE E. EBERLE
REP. BRIAN D. BOLDUC
REP. MELISSA WALSH INNES
REP. JOAN W. WELSH
REP. JAMES MICHAEL HAMPER
REP. BERNARD L.A. AYOTTE
REP. PETER E. EDGECOMB
REP. JANE S. KNAPP

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

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

LD 1156 An Act To Amend the Laws Governing the Recycling of Televisions

PUBLIC 231

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-170

This bill changes the basis for television manufacturers' responsibility for recycling televisions to a market share basis. It assigns the cost of the program among television manufacturers on a sliding scale based on the number of televisions each manufacturer sells compared to all televisions recycled.

Committee Amendment "A" (S-170)

This amendment clarifies how the market share basis of television manufacturers will be determined. It clarifies that the costs of the television recycling program will be allocated on a basis proportional to the manufacturer's national market share. It authorizes the Department of Environmental Protection to deem a television manufacturer's market share to be de minimus if the market share is less than 1/10 of 1 percent. If the department deems market shares to be de minimus, those market shares must be proportionally allocated to other television manufacturers. It requires the department to annually provide television manufacturers and consolidators with a listing of each manufacturer's proportional market share. It directs the department to conduct a review of the costs of the State's household electronic waste recycling program and of manufacturer responsibility programs in other states and authorizes the Joint Standing Committee on Natural Resources to submit legislation related to the report to the Second Regular Session of the 124th Legislature. This amendment establishes an effective date for those sections of the bill that amend the laws governing the recycling of televisions.

Enacted Law Summary

Public Law 2009, chapter 231 changes the basis for television manufacturers' responsibility for recycling televisions to a market share basis. The costs of the television recycling program will be allocated on a basis proportional to the manufacturer's national market share. Chapter 231 directs the Department of Environmental Protection to conduct a review of the costs of the State's household electronic waste recycling program and of manufacturer responsibility programs in other states and authorizes the Joint Standing Committee on Natural Resources to submit legislation related to the report to the Second Regular Session of the 124th Legislature.

LD 1171 An Act To Amend the Laws Governing Outdoor Wood Boilers

PUBLIC 209

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE SIMPSON	OTP-AM	H-228

This bill amends the definition of "outdoor wood boiler." It eliminates a deadline associated with the Outdoor Wood Boiler Fund. It directs the Department of Environmental Protection to amend the department's rules regarding outdoor wood boilers by:

1. Changing the qualifications for those who may prepare an evaluation, a report and installation recommendations;
2. Amending the definition of "commercial outdoor wood boiler"; and

Joint Standing Committee on Natural Resources

3. Establishing a voluntary technology-forcing particulate emission limit as an incentive to manufacturers to produce cleaner-burning units and to allow reduced setbacks for those units.

Committee Amendment "A" (H-228)

This amendment changes the title of the bill. It amends the definition of "outdoor wood boiler" to include fuel burning devices that use hot air instead of circulating hot water. It allows an outdoor wood boiler meeting a particulate matter emission limit of 0.06 pounds per million British Thermal Units heat output to avoid any setback requirement as long as it meets the stack height requirements for boilers meeting the emission standard that takes effect April 1, 2010. It clarifies that the change in the bill relating to obtaining an evaluation, a report and installation recommendations applies only to commercial outdoor wood boilers and it corrects a professional title. It directs the Department of Environmental Protection to amend its rules to allow a person who upgrades or replaces a nuisance outdoor wood boiler when money is not available from the Outdoor Wood Boiler Fund to be eligible for reimbursement from the fund when money is available.

Enacted Law Summary

Public Law 2009, chapter 209 amends the definition of "outdoor wood boiler." It eliminates a deadline associated with the Outdoor Wood Boiler Fund. It allows an outdoor wood boiler meeting a particulate matter emission limit of 0.06 pounds per million British Thermal Units heat output to avoid any setback requirement as long as it meets the stack height requirements for boilers meeting the emission standard that takes effect April 1, 2010. It directs the Department of Environmental Protection to amend the department's rules regarding outdoor wood boilers by:

1. Changing the qualifications for those who may prepare an evaluation, a report and installation recommendations in connection with commercial outdoor wood boilers;
2. Amending the definition of "commercial outdoor wood boiler"; and
3. Allowing a person who upgrades or replaces a nuisance outdoor wood boiler when money is not available from the Outdoor Wood Boiler Fund to be eligible for reimbursement from the fund when money is available.

LD 1218 An Act To Allow Barrier Fences To Be Erected To Protect Homes from Coastal Storms

**ACCEPTED ONTP
REPORT**

Sponsor(s)

NASS R

Committee Report

ONTP MAJ
OTP-AM MIN

Amendments Adopted

This bill allows an owner of a residential property to construct, repair or replace a permanent barrier to protect the property from a natural disaster, occurrence or event.

Committee Amendment "A" (S-226)

This amendment replaces the bill. The amendment authorizes the Department of Environmental Protection to issue a permit to construct, repair or replace a year-round barrier in a coastal sand dune system behind an existing seawall in a residential developed area. This amendment was not adopted.