

# 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*

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.