

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
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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 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.

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to the ownership of groundwater, the various common law doctrines relating to groundwater and issues related to natural resources other than groundwater, as those subjects relate to or impact international trade agreement issues. Chapter 132 authorizes outside funding accepted by the Citizen Trade Policy Commission, pursuant to its current statutory authority to accept outside funding, to be used to contract with experts in the field of international trade agreements. Chapter 132 requires the Water Resources Planning Committee, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, to submit a report related to the review to the Joint Standing Committee on Natural Resources by January 1, 2010, and the committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature.

Resolve 2009, chapter 132 was finally passed as an emergency measure effective June 15, 2009.

LD 1311

An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters

PUBLIC 225

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE GOODALL	OTP-AM	H-263

This bill allows a municipality to repair a private road, way or bridge for a fee or through the expenditure of public funds to protect the water quality of a great pond if the following criteria are met:

1. The private road, way or bridge is in the watershed of the great pond;
2. The great pond is listed by the Department of Environmental Protection as a body of water most at risk or as impaired in a report to the United States Environmental Protection Agency or the department identifies the great pond as having threats to its water quality in a watershed survey;
3. The Department of Environmental Protection or the municipality determines the private road, way or bridge is contributing to the degradation of the great pond's water quality;
4. The repair complies with best management practices as required by the Department of Environmental Protection; and
5. The private road, way or bridge is maintained by a statutorily established road association.

Committee Amendment "A" (H-263)

This amendment removes the provision in the bill authorizing a municipality to repair a private road, way or bridge for a fee to protect the water quality of a great pond.

Enacted Law Summary

Public Law 2009, chapter 225 allows a municipality to repair a private road, way or bridge through the expenditure of public funds to protect the water quality of a great pond if the following criteria are met:

1. The private road, way or bridge is in the watershed of the great pond;
2. The great pond is listed by the Department of Environmental Protection as a body of water most at risk or as impaired in a report to the United States Environmental Protection Agency or the department identifies the great pond as having threats to its water quality in a watershed survey;
3. The Department of Environmental Protection or the municipality determines the private road, way or bridge is

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contributing to the degradation of the great pond's water quality;

- 4. The repair complies with best management practices as required by the Department of Environmental Protection; and
- 5. The private road, way or bridge is maintained by a statutorily established road association.

LD 1332 An Act To Continue Coverage of Oil Clean-up Costs and Improve Administration of the Ground Water Oil Clean-up Fund

PUBLIC 319

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE	OTP-AM	H-360

This bill does the following.

- 1. It eliminates the December 31, 2010 sunset date on the provisions of law that insure owners and operators of oil storage tanks against the costs of cleaning up tank leaks and authorize the department to pay those costs, up to \$1,000,000 per incident, from the Ground Water Oil Clean-up Fund.
- 2. It repeals the provisions of law that are due to take effect on the sunset date of the Ground Water Oil Clean-up Fund.
- 3. It requires the Board of Environmental Protection to adopt rules establishing a training program for operators of underground oil storage facilities used to store motor fuel or used in the marketing and distribution of oil.
- 4. It requires persons in the business of delivering oil to storage tanks to conduct employee training.
- 5. It authorizes the use of restrictive covenants and other land use controls to minimize the risk of human exposure to residual contamination on property that has suffered an oil discharge.
- 6. It makes costs incurred to implement a voluntary response action plan, in which a person agrees to clean up oil contamination at that person's own expense in exchange for protection from liability, ineligible for coverage by the Ground Water Oil Clean-up Fund.
- 7. It requires the Commissioner of Environmental Protection to seek repayment of disbursements from the Ground Water Oil Clean-up Fund from responsible parties who are not eligible for coverage under the fund.
- 8. It authorizes the Department of Environmental Protection to seek recovery of personnel and equipment costs incurred by the department in responding to a discharge of oil.
- 9. It requires aboveground oil storage facilities that have been out of service for more than 12 months to be abandoned in accordance with rules adopted by the Board of Environmental Protection.

Committee Amendment "A" (H-360)

This amendment makes the following changes to the bill.

- 1. It extends the sunset date of the Ground Water Oil Clean-up Fund to December 31, 2015.
- 2. It strikes the provision in the bill that proposes to require oil delivery companies to train their drivers in proper