

# 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.

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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

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procedures for spill prevention, reporting and containment.

3. It strikes the provision in the bill that proposes to make costs incurred to implement a voluntary response action plan ineligible for coverage by the fund.
4. It strikes the provision in the bill that authorizes disbursements from the fund for personnel and equipment costs incurred in responding to and the removal of a discharge of oil if the costs are not paid by a responsible party.
5. It amends the bill to remove the proposed language relating to recovery by the Department of Environmental Protection of fund disbursements. This amendment also makes a technical correction to the format of the law governing liability for fund disbursements. The amendment repeals the current and future versions of the law and the confusing effective date provisions. This amendment enacts the same language in a manner that clarifies the effective date of each provision of law.
6. It strikes the provisions in the bill relating to the abandonment of aboveground oil storage tanks.
7. It adds a requirement for the Department of Environmental Protection to review the current framework for funding investigations and the cleanup of tank-related oil discharges at voluntary response action program sites and sites contaminated by discharges during the delivery of oil to an oil storage facility.
8. It adds an appropriations and allocations section.

The amendment retains the provisions in the bill that:

1. Amend definitions;
2. Require the Board of Environmental Protection to adopt rules requiring operators of underground oil storage tanks used to store motor fuel or used in the marketing and distribution of oil to others to complete a department training program;
3. Authorize 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; and
4. Deny coverage to a motor carrier for a discharge during the off-loading or on-loading of oil from or to a motor vehicle used to transport oil.

### **Enacted Law Summary**

Public Law 2009, chapter 319 does the following.

1. It extends the sunset date of the Ground Water Oil Clean-up Fund to December 31, 2015.
2. 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.
3. It requires the Board of Environmental Protection to adopt rules requiring operators of underground oil storage tanks used to store motor fuel or used in the marketing and distribution of oil to others to complete a department training program.
4. It denies coverage by the Ground Water Oil Clean-up Fund to a motor carrier for a discharge during the off-loading or on-loading of oil from or to a motor vehicle used to transport oil.
5. It requires the Department of Environmental Protection to review and submit a report on the current framework

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for funding investigations and the cleanup of tank-related oil discharges at voluntary response action program sites and sites contaminated by discharges during the delivery of oil to an oil storage facility. The Joint Standing Committee on Natural Resources is authorized to report out legislation related to the report.

6. It makes a technical correction to the format of the law governing liability for fund disbursements by repealing the current and future versions of the law and the confusing effective date provisions. It enacts the same language in a manner that clarifies the effective date of each provision of law.

### LD 1333     **An Act To Ensure that Replacement Culverts Permit Fish Passage**

**PUBLIC 460**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE MITCHELL E	OTP-AM MAJ OTP-AM MIN	H-514  S-348 GOODALL

Part A of this bill creates the Climate and Energy Planning Act of 2009, which:

1. Requires analysis of the climate effects on and resulting from state planning decisions;
2. Requires the analysis to be made available for public review and comment;
3. Requires state planning decisions to be consistent with the State's greenhouse gas emission reduction goals as established in the Maine Revised Statutes, Title 38, section 576;
4. Requires that after adoption of relevant major substantive rules by the Department of Environmental Protection the department undertake the same analysis and ensure the same consistency with the State's greenhouse gas emission goals when evaluating applications for and issuing licenses, permits or other approvals for developments or subdivisions subject to Title 38, section 483-A, waste discharges subject to Title 38, section 413, air emissions subject to Title 38, section 590 and discharges subject to state certification under the federal Clean Water Act, 33 United States Code, Section 1341. The department is directed to propose to the Legislature a fee schedule to cover its costs in administering this requirement; and
5. Allows the department to establish waivers from the otherwise applicable requirements of the Climate and Energy Planning Act of 2009 and requires the department to establish a list of qualified greenhouse gas emission reduction measures that demonstrably reduce the greenhouse gas emissions resulting from projects and activities expected to be subject to the requirements of the Act.

Part B of this bill:

1. Adds attainment of the state greenhouse gas emission reduction goals set out in the Maine Revised Statutes, Title 38, section 576 to the purposes and goals of the growth management program;
2. Adds attainment of the state greenhouse gas emission reduction goals set out in Title 38, section 576 to the purposes of the laws governing the Maine Land Use Regulation Commission and requires that development and amendment of land use districts and standards be consistent with the Climate and Energy Planning Act of 2009. It also requires the commission to review the effects of increased traffic on private roads when reviewing permit applications for developments of residential subdivisions. It also amends the definition of "subdivision" in management districts and protection districts in the unorganized townships;