

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.

Joint Standing Committee on Natural Resources

Committee Amendment "B" (H-515)

This amendment is the minority report of the Joint Standing Committee on Natural Resources. The amendment replaces the bill. The amendment requires state authorities to establish policies and guidelines to lower energy use, lessen the State's reliance on fossil fuels and reduce greenhouse gas emissions associated with state-owned buildings. The amendment requires the Department of Environmental Protection to submit a report on the policies and guidelines established by state authorities to the joint standing committee of the Legislature having jurisdiction over natural resources matters every 4 years. The amendment also establishes a stakeholder group to evaluate measures available to Maine people and businesses to reduce reliance on fossil fuels, to stabilize and reduce greenhouse gas emissions and to incorporate the measures into land use and licensing for private development. This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-348)

This amendment strikes out all of Committee Amendment "A" except the part that amends the exceptions in the Natural Resources Protection Act for the maintenance and repair of stream crossings and of existing road culverts and clarifies that the provisions apply only to water courses containing fish. The amendment also specifies that forestry management activities are exempted from the new standards.

Enacted Law Summary

Public Law 2009, chapter 460 amends the Natural Resources Protection Act permit exceptions for the maintenance and repair of stream crossings and for the maintenance and repair of existing road culverts to require that natural stream flows are achieved and the passage of aquatic organisms is not blocked. It clarifies that the provisions apply only to water courses containing fish. It requires the Department of Environmental Protection to amend its rules to require municipalities to achieve natural stream flow and upstream and downstream passage of aquatic organisms when repairing or maintaining roads and stream crossings and clarifies that the rule changes apply only to water courses containing fish. It provides that rules adopted pursuant to or to implement provisions of the Act are major substantive rules that must be submitted to the Legislature by January 1, 2011. It also specifies that forestry management activities are exempted from the new standards.

LD 1386

An Act Pertaining to Response Costs Incurred by the Department of Environmental Protection under the Waste Motor Oil Disposal Site Remediation Program

PUBLIC 304

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-204

This bill provides that the Finance Authority of Maine may use proceeds of revenue obligation securities to fund the costs of the cleanup of certain waste motor oil disposal sites implemented by the Department of Environmental Protection for eligible responsible parties.

Committee Amendment "A" (S-204)

This amendment amends the provisions in the bill regarding an alternative method for payment to the Department of Environmental Protection for cleanup performed at waste motor oil disposal sites. The amendment clarifies that the alternative procedure may be used only upon issuance of a certificate of final response costs and a final remedy selection at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites. It provides that the department may only receive payment after January 15, 2010 or after all response costs at the Plymouth waste motor oil disposal site have been paid to eligible persons, whichever occurs first. It clarifies the future liability of eligible responsible parties against suits by the State and third parties. It requires the department to negotiate in good faith with persons

Joint Standing Committee on Natural Resources

who are not determined to be eligible persons. The amendment also adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2009, chapter 304 provides that the Finance Authority of Maine may use proceeds of revenue obligation securities to fund the costs of the cleanup at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites implemented by the Department of Environmental Protection for eligible responsible parties.

LD 1399 An Act Concerning Water Quality in Watersheds

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON TRAHAN	OTP-AM	

This bill creates the Clean Shores Fund within the Department of Environmental Protection to provide a funding source for grants to municipalities and other entities to identify and abate pollution in shellfish growing areas and to pay the Personal Services cost for 3 employees within the Department of Marine Resources in the growing area classification program within the public health division. The dedicated revenue for the Clean Shores Fund is established through surcharges on the installation of new sewer systems and the municipal combined sewer overflow and overboard discharges and on sewer utilities based on the number of ratepayers.

The bill requires the Department of Environmental Protection to work in coordination with the Department of Marine Resources to establish an annual work plan to prioritize monitoring and classification of shellfish growing areas and remediation projects within those areas. The process of developing the work plan must include input from municipalities with approved municipal shellfish programs.

The bill also requires the Department of Environmental Protection to consider bacteria and viral standards when issuing waste discharge licenses to ensure that shellfish harvesting is protected as a designated use under the Maine Revised Statutes, Title 38, section 465-B. The department shall also review whether disinfection requirements at licensed wastewater discharge facilities would improve the ability of the Department of Marine Resources to upgrade classifications of shellfish growing areas and may change license requirements based on the outcome of the review.

Committee Amendment "A" (H-452)

The amendment establishes resident and nonresident recreational shellfish licenses with associated fees and provides for distribution of the fees.

The amendment changes the name of the Clean Shores Fund to the Water Quality and Infrastructure Improvement Fund and provides that license fees will be credited to the fund. The amendment clarifies the purposes for which the fund may be used and how money in the fund must be distributed.

The amendment provides that the Department of Marine Resources must solicit priorities for monitoring and classification of shellfish growing areas from the Shellfish Advisory Council.

The amendment clarifies that private gifts or bequests to the fund may be directed or advised.

The amendment adds a one-time reporting requirement and an appropriations and allocations section.

The amendment provides that the Department of Environmental Protection may establish procedures and criteria for