

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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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

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the grant application process, eligibility for grants and the award and use of grants from the fund.

This amendment was not adopted. Provisions included in this amendment were incorporated into Public Law 2009, chapter 213, Part FFFF.

LD 1422 Resolve, Directing the Department of Environmental Protection To Submit a Report and Recommendations Concerning Oil from Tar Sands, Coal from Mountaintop Removal Mining and Other High-polluting Energy Sources ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLEMINGS BARTLETT	ONTP	

This resolve directs the Department of Environmental Protection, with input from the Public Utilities Commission, the Governor's Office of Energy Independence and Security and other appropriate entities, to review information and issue a report and recommendations on its findings concerning oil from tar sands, oil shale and coal gasification and coal from mountaintop removal and other forms of mining operations in order to ensure that the State does as much as possible to reduce the environmental impacts caused by the generation and use of energy derived from these sources. In the report, the department is directed to collect information on liquid fuels derived from tar sands, oil shale and coal gasification and mountaintop removal and other forms of coal mining. The department shall submit its report and recommendations to the Legislature. This resolve also requires the department to establish public disclosure requirements for entities that sell electricity generated by facilities that burn coal.

LD 1423 An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT		

This bill amends the toxic use and hazardous waste reduction laws administered by the Department of Environmental Protection by:

1. Modernizing the statewide toxics use, toxics release and hazardous waste reduction goals by establishing a goal of zero discharge by 2050 and charging the Pollution Prevention Advisory Committee with establishing a schedule and process for continual progress toward this goal;
2. Setting forth a procedure to add new facilities or new chemicals or classes of chemicals to the provisions of the law;
3. Including the State's greenhouse gas reduction goals and encouraging facilities to meet those goals through energy efficiency and other measures;
4. Requiring the department to establish an Internet-based reporting system for facility progress reports that will allow department resources to be devoted to outreach and technical assistance; and
5. Eliminating the requirement that facilities use an activity production index when filing the pollution prevention