

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

April 2010

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



## 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 Second 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:

<i>CARRIED OVER</i> .....	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124<sup>th</sup> Legislature is Monday, July 12, 2010. 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

**LD 1423**

## **An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses**

**PUBLIC 579**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	H-712

This bill was carried over from the First Regular Session.

The 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; and
5. Eliminating the requirement that facilities use an activity production index when filing the pollution prevention plan.

### **Committee Amendment "A" (H-712)**

This amendment replaces the bill. Part A repeals the Maine Revised Statutes, Title 38, chapter 26 effective July 1, 2012. It directs the Department of Environmental Protection to establish by rule a list of priority toxic chemicals by July 1, 2011 and to review and revise the list at least every three years. Commercial and industrial facilities that use in excess of 1,000 pounds of a priority toxic chemical per year are required by July 1, 2012 to develop a pollution prevention plan or environmental management system and by July 1, 2013 to begin filing annual usage reports with the department. Information contained in the report may be classified as confidential.

Part A also requires the department to develop a technical assistance program, authorizes the department to develop a recognition program and authorizes the department to exempt facilities from the requirements of the law.

Part A also requires the department to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report on a revised fee structure by January 5, 2013.

Part B corrects cross-references.

### **Enacted Law Summary**

Public Law 2009, chapter 579 repeals the Maine Revised Statutes, Title 38, chapter 26 effective July 1, 2012. Part A of chapter 579:

1. Directs the Department of Environmental Protection to establish by rule a list of priority toxic chemicals by July 1, 2011 and to review and revise the list at least every 3 years. Commercial and industrial facilities that

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use in excess of 1,000 pounds of a priority toxic chemical per year are required by July 1, 2012 to develop a pollution prevention plan or environmental management system and by July 1, 2013 to begin filing annual usage reports with the department. Information contained in the report may be classified as confidential;

2. Requires the department to develop a technical assistance program, authorizes the department to develop a recognition program and authorizes the department to exempt facilities from the requirements of the law; and

3. Requires the department to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report on a revised fee structure by January 5, 2013.

Part B corrects cross-references.

**LD 1518      Resolve, Regarding Legislative Review of Section 16 Activities in Coastal Sand Dunes, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 167  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-651

This resolve provides for legislative review of Section 16 Activities in Coastal Sand Dunes, a major substantive rule of the Department of Environmental Protection.

**Committee Amendment "A" (H-651)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2009, chapter 167 authorizes final adoption of Section 16 Activities in Coastal Sand Dunes, a major substantive rule of the Department of Environmental Protection.

Resolve 2009, chapter 167 was finally passed as an emergency measure effective March 23, 2010.

**LD 1526      Resolve, Regarding Legislative Review of Portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 149  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a major substantive rule of the Department of Environmental Protection.

**Enacted Law Summary**