

# 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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**STAFF:**

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

# 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:

*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 HOUSES*..... 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 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 1573**

**An Act To Improve Water Quality through the Phaseout of Overboard Discharges and the Improvement of the Boat Pump-out Laws**

**PUBLIC 654**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PINGREE           | OTP-AM                  | H-756                     |

The bill does the following.

1. It provides that, subject to the availability of funds, the Commissioner of Environmental Protection pays a portion of the cost of the alternative to an overboard discharge system in the form of a grant if certain criteria are met. Where the grant is insufficient to cover the cost of removal, the commissioner may offer a loan using funds from the revolving loan fund.
2. It sets an upper limit on income eligibility for funding to assist the owner of an overboard discharge and makes several changes and clarifications to the meaning of "annual income."
3. It clarifies the ownership transfer provisions and requires an alternatives analysis and possible replacement of an overboard discharge prior to significant reconstruction of the primary residence, expansion of the primary residence by 30%, division of the lot or transfer of the adjacent lot where the same person has a financial interest in the lot with the primary residence and the adjacent lot. Also, an alternative system to an overboard discharge must be removed where connection to a public sewer is practicable.
4. It changes references to "relicensing" overboard discharges to "licensing" and requires that an identified technologically proven replacement system be installed within 180 days of site evaluation approval and written notification by the Department of Environmental Protection. It also provides that the overboard discharge owner may apply for funding and provides for the postponement of replacement system installation should grant funding not be available.
5. It allows the licensing of existing overboard discharges that have no practicable alternatives.
6. It requires that watercraft sanitary waste pump-out facilities at marinas be easily accessible and functional during normal working hours and at all stages of the tide. It also sets an upper limit on the pump-out fee equivalent to 200% of the fee limit set pursuant to the Clean Vessel Act of 1992.

**Committee Amendment "A" (H-756)**

The amendment amends the definition of "annual income" for purposes of determining eligibility for grants to pay a portion of the cost of an alternative to an overboard discharge system. It amends the definition of "significant action." It allows commercial establishments to request an extension of time to install an alternative to an overboard discharge when transferring ownership and requires the Department of Environmental Protection to approve or deny the extension request within 10 business days. It provides that the law does not require a municipality to withhold a local permit or approval associated with a significant action. It prohibits the Department of Environmental Protection from requiring an identified alternative to an overboard discharge to be installed earlier than July 2, 2012 if a residential or commercial establishment has an overboard discharge that is not eligible for a grant and has a license that expires on or after July 2, 2010 and prior to July 2, 2012. It prohibits the Department of Environmental Protection from requiring an identified alternative to an overboard discharge to be installed unless the alternative constitutes best practicable treatment. It requires marinas that serve vessels year-round to provide pump-out services year-round.

# Joint Standing Committee on Natural Resources

## Enacted Law Summary

Public Law 2009, chapter 654 amends the laws governing overboard discharge systems, including provisions relating to:

1. Grant and loan eligibility;
2. Alternatives analysis requirements and overboard discharge replacement on ownership transfer and "significant actions;" and
3. Overboard discharge replacement on relicensing.

Chapter 654 also amends the laws governing watercraft sanitary waste pump-out facilities at marinas.

## LD 1575 An Act To Establish a Residential Wood Stove Replacement Fund

PUBLIC 653

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BECK<br>JACKSON   | OTP-AM                  | H-642<br>S-539 DIAMOND    |

This bill establishes a residential wood stove replacement program in the Department of Environmental Protection under which eligible applicants could receive funding toward the purchase of new cleaner-burning residential heating appliances to replace older wood stoves and allocates funds for that purpose.

### Committee Amendment "A" (H-642)

This amendment removes appropriations from the State as a funding source for the Residential Wood Stove Replacement Fund. It specifies that financial incentives to replace wood stoves are intended only for residents of the State. It clarifies that only wood stoves manufactured prior to 1988 and used as a primary source of heat in a primary residence are eligible for financial incentives. It requires the Department of Environmental Protection to establish the wood stove replacement program through rulemaking. It increases the allocation of funds in fiscal year 2010-11 to \$2,500,000.

### Senate Amendment "A" To Committee Amendment "A" (S-539)

This amendment provides for the repeal of the use of Other Special Revenue funds derived from civil penalties associated with department enforcement actions on January 1, 2012, provides for the department to report on the residential wood stove replacement program to the joint standing committee of the Legislature having jurisdiction over natural resources matters and makes adjustments in the appropriations and allocations that better reflect existing funding opportunities.

## Enacted Law Summary

Public Law 2009, chapter 653 establishes a residential wood stove replacement program in the Department of Environmental Protection under which eligible applicants could receive funding toward the purchase of new cleaner-burning residential heating appliances to replace older wood stoves. It requires the department to report on the status and account activity of the residential wood stove replacement program to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2012.