

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

April 2010

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STATE OF MAINE

124TH 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 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:

<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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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 124th 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 1577 An Act Concerning the Establishment of Water Levels

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H	ONTP	

This bill amends the water level laws in the Maine Revised Statutes, Title 38 to replace the requirement for an adjudicatory hearing by the Commissioner of Environmental Protection or the Board of Environmental Protection on a request or petition for a water level regime or, if applicable, a minimum flow requirement, with a requirement for a public meeting by the commissioner. This bill also amends the water level laws to authorize the commissioner to dismiss without prejudice any petition that does not contain evidence of mediation or other substantial good faith efforts to resolve any disputes regarding current water level management practices or minimum flow requirements for a body of water impounded by a dam with the owner, lessee or person in control of the dam. The bill further amends the water level laws to authorize the commissioner to dismiss without prejudice any petition that is not supported by substantial evidence that current water level management practices or minimum flow requirements are materially affecting the resources, interests or goals specified in Title 38, section 840, subsection 4.

LD 1603 An Act To Amend Laws Administered by the Department of Environmental Protection

PUBLIC 501

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-362

This bill makes changes to laws administered by the Department of Environmental Protection.

1. It changes the description of where a town may use its highway equipment for fire and police protection from "private roads, private ways or bridges" to "private ways." With respect to fire and police protection, it restores the laws governing the use of the highway equipment of a town on private ways to substantially the form they had before the enactment of Public Law 2009, chapter 239. The bill also specifies that the residents of a town or village corporation at a town or village corporation meeting may appropriate funds to repair a private road, way or bridge for the purpose of protecting or restoring a great pond.
2. It amends the laws governing oil discharges to make it clear that the authority of the Commissioner of Environmental Protection to issue clean-up orders extends to all oil discharges and is not limited to discharges that emanate from a storage tank.
3. It updates language regarding 3rd-party damage claims arising from oil discharges.
4. It amends the laws governing oil discharges to authorize the Department of Environment Protection, consistent with current authority under the law governing uncontrolled hazardous substance sites, to include interest when placing liens to recover costs incurred by the department in response to an oil discharge.
5. It clarifies the circumstances under which the owner of a parcel of land on which an out-of-service oil storage facility is located may be held responsible for properly abandoning the facility.

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6. It prohibits the return to service of a single-walled underground oil storage tank that has been out of service for more than 12 months.
7. It clarifies the applicability of the deductible amount that must be paid by the owner or operator of a leaking oil storage tank when seeking coverage of clean-up costs from the Ground Water Oil Clean-up Fund when the owner has failed to comply with the requirement to obtain a construction permit from the Office of the State Fire Marshal.
8. It clarifies applicability of the deductible amount that must be paid by the owner or operator of a leaking oil storage tank when seeking coverage of clean-up costs from the Ground Water Oil Clean-up Fund if the tank fails to conform to the requirements of the Oil and Solid Fuel Board.
9. It expands the enforcement options available to the Commissioner of Environmental Protection when addressing violations of the lead abatement laws.
10. It allows a landlord to employ a lead dust sampling technician to show that a dwelling unit qualifies for listing on the registry of leased lead-safe residential dwellings. Under current law, a landlord must use a lead inspector.
11. It authorizes the Department of Environmental Protection to recover costs incurred in responding to a discharge of hazardous waste, waste oil and biomedical waste by placing a lien against the real estate of the responsible party.
12. It amends the laws governing mercury-added products to consolidate provisions prohibiting the sale of mercury manometers and thermometers.
13. It amends the laws governing mercury thermostats to consolidate requirements for thermostat wholesalers.
14. It deletes language in unallocated law that requires the Department of Environmental Protection to hold consolidated proceedings with the Department of Transportation in certain situations.
15. It amends the laws governing the Ground Water Oil Clean-up Fund to authorize disbursements for the cleanup of discharges from oil storage facilities whether or not the oil reaches ground water.
16. It amends the laws governing wellhead protection to make it clear that an abandoned underground oil storage facility located within a wellhead protection zone may not be replaced.
17. It clarifies the prohibition on the sale of mercury-added silver oxide button cell batteries.

Committee Amendment "A" (S-362)

This amendment specifies that a municipality may appropriate funds to repair a private road, way or bridge for the purpose of protecting or restoring a great pond. The bill specified that a town or village corporation could appropriate funds for that purpose. The amendment also clarifies that the prohibition on the return to service of a single-walled underground oil storage tank applies to tanks that have been out of service for 12 consecutive months.

Enacted Law Summary

Public Law 2009, chapter 501 makes changes to laws administered by the Department of Environmental Protection.

1. It changes the description of where a town may use its highway equipment for fire and police protection from "private roads, private ways or bridges" to "private ways." With respect to fire and police protection, it restores the laws governing the use of the highway equipment of a town on private ways to substantially the form they had before the enactment of Public Law 2009, chapter 239. It also specifies that a municipality may appropriate funds to repair a private road, way or bridge for the purpose of protecting or restoring a great pond.
2. It amends the laws governing oil discharges to make it clear that the authority of the Commissioner of

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Environmental Protection to issue clean-up orders extends to all oil discharges and is not limited to discharges that emanate from a storage tank.

3. It updates language regarding third-party damage claims arising from oil discharges.
4. It amends the laws governing oil discharges to authorize the Department of Environment Protection, consistent with current authority under the law governing uncontrolled hazardous substance sites, to include interest when placing liens to recover costs incurred by the department in response to an oil discharge.
5. It clarifies the circumstances under which the owner of a parcel of land on which an out-of-service oil storage facility is located may be held responsible for properly abandoning the facility.
6. It prohibits the return to service of a single-walled underground oil storage tank that has been out of service for more than 12 consecutive months.
7. It clarifies the applicability of the deductible amount that must be paid by the owner or operator of a leaking oil storage tank when seeking coverage of clean-up costs from the Ground Water Oil Clean-up Fund when the owner has failed to comply with the requirement to obtain a construction permit from the Office of the State Fire Marshal.
8. It clarifies applicability of the deductible amount that must be paid by the owner or operator of a leaking oil storage tank when seeking coverage of clean-up costs from the Ground Water Oil Clean-up Fund if the tank fails to conform to the requirements of the Oil and Solid Fuel Board.
9. It expands the enforcement options available to the Commissioner of Environmental Protection when addressing violations of the lead abatement laws.
10. It allows a landlord to employ a lead dust sampling technician to show that a dwelling unit qualifies for listing on the registry of leased lead-safe residential dwellings. Under current law, a landlord must use a lead inspector.
11. It authorizes the Department of Environmental Protection to recover costs incurred in responding to a discharge of hazardous waste, waste oil and biomedical waste by placing a lien against the real estate of the responsible party.
12. It amends the laws governing mercury-added products to consolidate provisions prohibiting the sale of mercury manometers and thermometers.
13. It amends the laws governing mercury thermostats to consolidate requirements for thermostat wholesalers.
14. It deletes language in unallocated law that requires the Department of Environmental Protection to hold consolidated proceedings with the Department of Transportation in certain situations.
15. It amends the laws governing the Ground Water Oil Clean-up Fund to authorize disbursements for the cleanup of discharges from oil storage facilities whether or not the oil reaches ground water.
16. It amends the laws governing wellhead protection to make it clear that an abandoned underground oil storage facility located within a wellhead protection zone may not be replaced.
17. It clarifies the prohibition on the sale of mercury-added silver oxide button cell batteries.