

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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

**MEMBERS:**

SEN. SETH A. GOODALL, CHAIR  
SEN. DEBORAH L. SIMPSON  
SEN. DOUGLAS M. SMITH

REP. ROBERT S. DUCHESNE, CHAIR  
REP. JOHN L. MARTIN  
REP. JANE E. EBERLE  
REP. BRIAN D. BOLDUC  
REP. MELISSA WALSH INNES  
REP. JOAN W. WELSH  
REP. JAMES MICHAEL HAMPER  
REP. BERNARD L.A. AYOTTE  
REP. PETER E. EDGECOMB  
REP. JANE S. KNAPP

**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:

<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 1662 An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas**

**PUBLIC 604**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-402

Federal law and regulations require states with fuel-burning sources that are reasonably anticipated to cause or contribute to impairment of visibility in federally designated Class I areas to implement reasonable measures to reduce visibility impairment within those areas. This bill establishes reductions in the sulfur content of fuel oil that take effect in 2014 and 2018.

**Committee Amendment "A" (S-402)**

The amendment changes the date, from January 1, 2014 to January 1, 2016, by which the sulfur content of distillate fuel may not be greater than 0.005% by weight. The amendment exempts distillate fuel that is used for manufacturing purposes from the low sulfur content requirements. It requires the Department of Environmental Protection to adopt major substantive rules that provide an opportunity for a licensed air contamination source to apply for an equivalent alternative sulfur reduction strategy to the residual fuel oil and distillate fuel requirements. It directs the Department of Environmental Protection to establish an advisory committee to assess the barriers and impediments to air emissions sources' reducing their reliance on fuel oils. It directs the Department of Environmental Protection to conduct a fuel oil supply study in 2014 and submit the results of its findings to the Legislature by January 15, 2015.

**Enacted Law Summary**

Public Law 2009, chapter 604 establishes reductions in the sulfur content of fuel oil that take effect in 2016 and 2018. It exempts distillate fuel that is used for manufacturing purposes from the low sulfur content requirements. It requires the Department of Environmental Protection to adopt major substantive rules that provide an opportunity for a licensed air contamination source to apply for an equivalent alternative sulfur reduction strategy to the residual fuel oil and distillate fuel requirements. It directs the Department of Environmental Protection to establish an advisory committee to assess the barriers and impediments to air emissions sources' reducing their reliance on fuel oils. It directs the Department of Environmental Protection to conduct a fuel oil supply study in 2014 and submit the results of its findings to the Legislature by January 15, 2015.

**LD 1693 Resolve, Regarding a Report on the Status of Federal Ship Ballast Water Discharge Rules**

**RESOLVE 198**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLAHERTY	OTP-AM	H-652 S-436 GOODALL

This bill prohibits ocean-going vessels from discharging ballast water that contains any detectable living organisms into the coastal waters of the State after January 1, 2021. The bill defines "ocean-going vessel" as any vessel operating within the coastal waters of the State that is equipped with ballast tanks capable of taking on and discharging water for the purposes of controlling or maintaining the vessel's trim, draft or stability or to control stresses on the vessel. The bill establishes interim standards in effect from January 1, 2011 to January 1, 2021 that

## *Joint Standing Committee on Natural Resources*

allow ocean-going vessels to obtain a permit from the Department of Environmental Protection to discharge ballast water that contains minimal amounts of living organisms, bacteria, viruses and microbes into the coastal waters of the State. Those interim standards are incrementally applied to larger and older ocean-going vessels over that 10-year period. A person who violates these provisions commits a civil violation and is subject to a penalty of not less than \$1,000 and not more than \$10,000 for each violation. The Board of Environmental Protection is required to adopt emergency major substantive rules in 2010 to implement these provisions, and to subsequently submit those rules to the Legislature for review no later than January 14, 2011. The rules must require an annual ballast water discharge permit for ocean-going vessels. The annual fee for that permit must be based on the ballast water capacity of vessels covered by these provisions and must be, in the aggregate, sufficient to fully fund the cost of implementing and enforcing these provisions.

### **Committee Amendment "A" (H-652)**

This amendment replaces the bill with a resolve. The amendment directs the Department of Environmental Protection to report by January 5, 2012 on the status of rulemaking by the United States Coast Guard relating to ship ballast water discharge. The amendment also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit a bill to the Second Regular Session of the 125th Legislature.

### **Senate Amendment "A" To Committee Amendment "A" (S-436)**

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit a bill to the 125th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 198 directs the Department of Environmental Protection to report by January 5, 2012 on the status of rulemaking by the United States Coast Guard relating to ship ballast water discharge.

## **LD 1699     An Act To Update and Modernize Maine's Floodplain Mapping**

**PUBLIC 522  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEGG NASS R	OTP-AM	H-655

This bill provides a General Fund appropriation to the Executive Department, State Planning Office of \$250,000 in fiscal year 2010-11 to update and modernize the State's floodplain maps.

### **Committee Amendment "A" (H-655)**

This amendment replaces the bill. The amendment establishes the Floodplain Mapping Fund for the purpose of providing funds for the mapping of floodplains in the State. The amendment adds an appropriations and allocations section and it also adds an emergency preamble and emergency clause to the bill.

### **Enacted Law Summary**

Public Law 2009, chapter 522 establishes the Floodplain Mapping Fund for the purpose of providing funds for the mapping of floodplains in the State.

Public Law 2009, chapter 522 was enacted as an emergency measure effective March 18, 2010.