

# 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  
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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 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 1716    An Act To Expedite Rulemaking Concerning Agronomic Utilization of Sludge**

**PUBLIC 507**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE JACKSON	OTP	

This bill amends the rule-making authority of the Board of Environmental Protection to eliminate the requirement for legislative approval prior to adoption of rules on the agronomic utilization of sludge.

**Enacted Law Summary**

Public Law 2009, chapter 507 amends the rule-making authority of the Board of Environmental Protection to eliminate the requirement for legislative approval prior to adoption of rules on the agronomic utilization of sludge.

**LD 1725    Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 208**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM   MAJ	H-678
	OTP-AM   MIN	S-493   GOODALL
		S-506   GOODALL

This resolve provides for legislative review of portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a major substantive rule of the Department of Environmental Protection.

**Committee Amendment "A" (H-677)**

This amendment was not adopted. This amendment is the majority report of the committee. The amendment authorizes portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards but delays the effective date of the rule to January 1, 2012. The amendment also directs the Department of Environmental Protection with the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to conduct a series of meetings with municipal public works officials to provide training, information and opportunities to evaluate crossings subject to the requirements of the rule. The amendment directs the Department of Environmental Protection and the Department of Transportation to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the outreach and field work activities undertaken by the departments and on the impact of the rule not later than January 5, 2011. It also authorizes the committee to submit a bill to the First Regular Session of the 125th Legislature regarding suggested revisions to the rule.

**Committee Amendment "B" (H-678)**

This amendment is the minority report of the committee. The amendment denies authorization for the Department of Environmental Protection to finally adopt a provisionally adopted rule regarding stream crossings and directs the department to resubmit rules to the Legislature by January 1, 2011.

## *Joint Standing Committee on Natural Resources*

### **Senate Amendment "A" To Committee Amendment "B" (S-493)**

This amendment authorizes portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards only as it applies to construction of new stream crossings undertaken on or after the effective date of this resolve. The amendment also directs the Department of Environmental Protection, with the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, to conduct a series of meetings with municipal public works officials to provide training, information and opportunities to evaluate stream crossings. The amendment directs the Department of Environmental Protection to adopt major substantive rules regarding stream crossings that are already in existence on the effective date of this resolve and requires that the provisionally adopted rules be submitted to the Legislature by January 1, 2011 for review by the joint standing committee of the Legislature having jurisdiction over natural resources matters. The amendment directs the Department of Environmental Protection and the Department of Transportation to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the outreach and field work activities undertaken by the departments and on the impact of the rule not later than January 5, 2011.

### **Senate Amendment "A" (S-506)**

This amendment removes the emergency preamble and the emergency clause.

### **Enacted Law Summary**

Resolve 2009, chapter 208 authorizes portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards only as it applies to construction of new stream crossings undertaken on or after the effective date of this resolve. It also directs the Department of Environmental Protection, with the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, to conduct a series of meetings with municipal public works officials to provide training, information and opportunities to evaluate stream crossings. It directs the Department of Environmental Protection to adopt major substantive rules regarding stream crossings that are already in existence on the effective date of this resolve and requires that the provisionally adopted rules be submitted to the Legislature by January 1, 2011 for review by the joint standing committee of the Legislature having jurisdiction over natural resources matters. It directs the Department of Environmental Protection and the Department of Transportation to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the outreach and field work activities undertaken by the departments and on the impact of the rule not later than January 5, 2011.

**LD 1742      **Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Department of Health and Human Services****

**RESOLVE 164  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 232: Well Drillers and Pump Installers Rules, a major substantive rule of the Department of Health and Human Services.

### **Enacted Law Summary**

Resolve 2009, chapter 164 authorizes final adoption of portions of Chapter 232: Well Drillers and Pump Installers Rules, a major substantive rule of the Department of Health and Human Services.

Resolve 2009, chapter 164 was finally passed as an emergency measure effective March 17, 2010.