

# 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 1760      Resolve, Concerning the Proper Disposal of Motor Fuels Containing Ethanol**

**RESOLVE 201**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-410

This resolve requires the Department of Environmental Protection and the Department of Conservation jointly to adopt rules to educate the public about the handling and disposal of motor fuels containing ethanol and to ensure the availability of places for disposal of motor fuel. Rules adopted pursuant to this resolve are routine technical rules.

**Committee Amendment "A" (S-410)**

This amendment replaces the resolve. The amendment requires the Department of Environmental Protection to conduct an outreach and education campaign to provide information to residents statewide regarding the handling and disposal of motor fuels containing ethanol.

**Enacted Law Summary**

Resolve 2009, chapter 201 requires the Department of Environmental Protection to conduct an outreach and education campaign to provide information to residents statewide regarding the handling and disposal of motor fuels containing ethanol.

**LD 1775      An Act To Amend Mercury Stack Testing Requirements for Certain Air Emission Sources**

**PUBLIC 535**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-394

This bill is reported out by the Joint Standing Committee on Natural Resources pursuant to the Maine Revised Statutes, Title 38, section 585-B, subsection 6. The bill requires air emission sources emitting mercury in excess of 10 pounds per year to conduct stack tests for mercury twice per year for two years and to submit a mercury reduction plan to the Department of Environmental Protection. The bill also directs the Department of Environmental Protection to submit an updated report relating to mercury emissions and standards and authorizes the committee to report out a bill to the 126th Legislature in connection with the updated report.

**Committee Amendment "A" (S-394)**

This amendment changes the stack test requirements in the bill to apply to air emission sources emitting mercury in excess of 10 pounds in calendar year 2010. It authorizes the Department of Environmental Protection to approve an alternative to the stack testing requirements. It allows the results of multiple stack tests to be averaged in accordance with guidance from the Department of Environmental Protection.

**Enacted Law Summary**

Public Law 2009, chapter 535 requires air emission sources emitting mercury in excess of 10 pounds in calendar year 2010 to conduct stack tests for mercury twice in calendar year 2011 and twice in calendar year 2012 and to submit a mercury reduction plan to the Department of Environmental Protection. It authorizes the Department of Environmental Protection to approve an alternative to the stack testing requirements. It allows the results of

## *Joint Standing Committee on Natural Resources*

multiple stack tests to be averaged in accordance with guidance from the Department of Environmental Protection. It directs the Department of Environmental Protection to submit an updated report relating to mercury emissions and standards and authorizes the committee to report out a bill to the 126th Legislature in connection with the updated report.

**LD 1787     An Act To Provide for Legislative Review of Recently Proposed Revisions to Certain Rules Adopted Pursuant to the Site Location of Development Laws and the Storm Water Management Laws**

**PUBLIC 602  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-403

This bill requires that rules adopted by the Department of Environmental Protection pursuant to the site location of development laws after January 1, 2010 and before January 1, 2012 are major substantive rules. Storm water management rules remain routine technical rules. Any major substantive rules provisionally adopted for the site location of development laws in 2010 must be submitted to the joint standing committee of the 125th Legislature having jurisdiction over natural resources matters for review. Rules adopted after January 1, 2012 are routine technical rules.

**Committee Amendment "A" (S-403)**

This amendment adds an emergency preamble and emergency clause to the bill. The amendment requires that rules adopted by the Department of Environmental Protection regarding storm water management after January 1, 2010 and before January 1, 2012 are major substantive rules. Rules adopted after January 1, 2012 are routine technical rules.

**Enacted Law Summary**

Public Law 2009, chapter 602 requires that rules adopted by the Department of Environmental Protection pursuant to the site location of development laws and storm water management laws after January 1, 2010 and before January 1, 2012 are major substantive rules. Any major substantive rules provisionally adopted for the site location of development laws or storm water management laws in 2010 must be submitted to the joint standing committee of the 125th Legislature having jurisdiction over natural resources matters for review. Rules adopted after January 1, 2012 are routine technical rules.

Public Law 2009, chapter 602 was enacted as an emergency measure effective March 23, 2010.

**LD 1793     An Act To Stabilize Funding for Hazardous Material Emergency Response by the Department of Environmental Protection and Enhance Response Efforts of the Maine Emergency Management Agency**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A BARTLETT	ONTP	

This bill establishes a fee on natural gas transported by pipeline in the State. Revenue from the fee must be deposited in the Emergency Response Commission Fund to be used by the Maine Emergency Management Agency in support of planning and training for local emergency response to hazardous material incidents. The bill