

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

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

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authorizes the transfer of money from the Emergency Response Commission Fund to the Maine Hazardous Waste Fund for the purpose of paying costs related to hazardous material emergency response incurred by the Department of Environmental Protection. The bill also authorizes transfers to the Uncontrolled Sites Fund to be used by the Department of Environmental Protection to carry out its responsibilities related to the oversight of uncontrolled hazardous substance sites. The bill authorizes the Commissioner of Environmental Protection to take enforcement action against facilities with hazardous materials that fail to register with the Maine Emergency Management Agency as required under the Maine Revised Statutes, Title 37-B, chapter 13, subchapter 3-A.

LD 1794 An Act Regarding Solid Waste Facilities

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | ONTP | |

This bill amends the law that prohibits expansion of commercial solid waste disposal facilities by authorizing a commercial landfill that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the person holding the commercial solid waste facility license. Current law requires that the proposed expansion be contiguous with the existing facility and be located on property owned on December 31, 1989 by the licensee or by a corporation or other business entity under common ownership or control with the licensee.

LD 1796 Resolve, Regarding Legislative Review of Chapter 881: Fees; Chemical Use in Children's Products, a Major Substantive Rule of the Department of Environmental Protection

**RESOLVE 194
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP-AM | H-740 |

This resolve provides for legislative review of Chapter 881: Fees; Chemical Use in Children's Products, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-740)

The amendment authorizes final adoption of Chapter 881: Fees; Chemical Use in Children's Products until February 1, 2013. The amendment also requires the Department of Environmental Protection to examine the first two years of experience regarding fees assessed under the rule and submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by February 1, 2013. Following its review of the report, the committee is authorized to submit a bill regarding fees related to chemical use in children's products to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2009, chapter 194 authorizes final adoption of Chapter 881: Fees; Chemical Use in Children's Products until February 1, 2013. It also requires the Department of Environmental Protection to examine the first two years of experience regarding fees assessed under the rule and submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by February 1, 2013. Following its review of the report, the committee is authorized to submit a bill regarding fees related to chemical use in children's products to the First Regular Session of the 126th Legislature.