

# 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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**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  
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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*

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.

## *Joint Standing Committee on Natural Resources*

Resolve 2009, chapter 194 was finally passed as an emergency measure effective April 1, 2010.

**LD 1797      An Act Regarding Planning for the Management of Solid Waste      ONTP**

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

This bill moves the responsibility for preparing the state solid waste management and recycling plan and staffing the Solid Waste Management Advisory Council from the Executive Department, State Planning Office to the Department of Environmental Protection.

**LD 1818      Resolve, To Continue Evaluating Climate Change Adaptation Options      RESOLVE 195**  
**for the State**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-467    GOODALL

This bill directs the Department of Environmental Protection with a stakeholder group to continue to evaluate the options and actions available to Maine people and businesses for adapting to the most likely impacts of climate change pursuant to Resolve 2009, chapter 16. It requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters in 2011 and 2012 and authorizes the committee to submit a bill relating to each report to the 125th Legislature.

**Senate Amendment "A" (S-467)**

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 195 directs the Department of Environmental Protection with a stakeholder group to continue to evaluate the options and actions available to Maine people and businesses for adapting to the most likely impacts of climate change pursuant to Resolve 2009, chapter 16. It requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters in 2011 and 2012.

**LD 1827      Resolve, To Review the Waste Motor Oil Disposal Site Remediation      RESOLVE 211**  
**Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L GOODALL	OTP-AM	H-822