

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

July 2011

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Environment and Natural Resources

LD 245 An Act To Amend the Laws Governing Waste Processing

ONTP

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

This bill requires that solid waste disposal facilities licensed in the State be licensed to only accept waste generated within the State and clarifies that waste generated within the State does not include waste that has its origin outside the State and was transported to another location within the State prior to being transported to the facility.

LD 252 An Act To Amend the Laws Governing Aquatic Nuisance Species

PUBLIC 47

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE KATZ	OTP-AM	H-66

This bill broadens the definition of "aquatic plant" in the laws governing the control of aquatic nuisance species. It also provides that a vacancy of a public position on the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species may be filled by a person who does not represent a particular constituency if after 6 months of a vacancy on the task force the Governor cannot fill that vacancy. It requires the Department of Inland Fisheries and Wildlife, in consultation with the Department of Environmental Protection, to report to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2012 concerning issues related to the control of invasive aquatic species, including but not limited to the use of felt-soled waders and the spread of invasive aquatic species.

Committee Amendment "A" (H-66)

This amendment adds a provision that if the Governor cannot fill a vacancy identified in law, the vacancy may be filled by a member who has demonstrated experience or interest in the area of threats to fish and wildlife posed by invasive aquatic plants and nuisance species. The amendment also strikes a reporting requirement.

Enacted Law Summary

Public Law 2011, chapter 47 broadens the definition of "aquatic plant" in the laws governing the control of aquatic nuisance species. It also provides that a vacancy of a public position on the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species may be filled by a person who does not represent a particular constituency but who has demonstrated experience or interest in the area of threats to fish and wildlife posed by invasive aquatic plants and nuisance species if after 6 months of a vacancy on the task force the Governor cannot fill that vacancy.

LD 253 Resolve, To Establish a Single Construction Permit for Certain Aboveground Oil Storage Tanks in Gravel Pits and Quarries

RESOLVE 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNAPP	OTP-AM	H-67

Joint Standing Committee on Environment and Natural Resources

This resolve requires the Department of Environmental Protection in consultation with the Office of the State Fire Marshal to establish a process for obtaining a single construction permit for aboveground oil storage tanks in gravel pits and quarries that meets the requirements of the Maine Revised Statutes, Title 25, section 2483 and Title 38, sections 490-D and 490-Z.

Committee Amendment "A" (H-67)

This amendment replaces the term "gravel pits," which is a term not used in the laws implemented by the Department of Environmental Protection, with the term "excavations for borrow, clay, top soil or silt." The amendment also clarifies that the permit-by-rule process authorized by the resolve is limited to aboveground oil storage tanks used for the supply of diesel fuel.

Enacted Law Summary

Resolve 2011, chapter 26 requires the Department of Environmental Protection in consultation with the Office of the State Fire Marshal to establish a permit-by-rule process for obtaining a single construction permit for aboveground oil storage tanks that are used for the supply of diesel fuel and located in excavations for borrow, clay, top soil or silt and quarries that meets the requirements of the Maine Revised Statutes, Title 25, section 2483 and Title 38, sections 490-D and 490-Z.

LD 256 An Act To Amend the Law Regarding Repairing a Structure in a Coastal Sand Dune System ONTP

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

This bill allows structures located in a coastal sand dune system to be repaired in a way in which the square footage of the repaired structure does not exceed the square footage of the structure as it existed 24 months prior to the repair. Under current rules of the Department of Environmental Protection, the height, width and length of the repaired structure have to be the same as the structure as it existed 24 months prior to the repair.

LD 261 An Act To Eliminate Combined Sewer Overflows in Maine Waters MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
OLSEN SAVIELLO	ONTP MAJ OTP-AM MIN	

This bill prohibits the Department of Environmental Protection from licensing combined sewer overflows.