

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 484 An Act To Allow the Burning of Certain Agricultural Products in
Outdoor Wood Boilers**

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE THIBODEAU	ONTP MAJ OTP MIN	

This bill allows the burning of hay bales and cornstalks in an outdoor wood boiler.

**LD 510 An Act To Exclude Shellfish Processing Facilities from Arsenic
Wastewater Testing**

ONTP

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

This bill exempts shellfish processing facilities from testing and reporting requirements and discharge limits concerning arsenic.

LD 512 An Act Regarding the Disposition of Mercury-added Lamps

PUBLIC 275

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM MAJ ONTP MIN	S-203

This bill authorizes the use of crushing devices in a mercury-added lamp recycling program. Under the bill, the owner of the crushing device must register with the Department of Environmental Protection, develop an operating manual for safely crushing mercury-added lamps, document maintenance activities, meet federal Occupational Safety and Health Administration requirements, dispose of all material crushed in the device and maintain an annual report for review by the Department of Environmental Protection, at the discretion of the department.

Committee Amendment "A" (S-203)

This amendment adds to the requirements in the bill for the use of crushing devices. Under this amendment, an operating manual must include procedures for operator training and procedures to address emergency situations. The amendment requires owners of crushing devices to maintain testing and monitoring data. The amendment also provides that crushing devices may be operated only in a closed system, in such a manner that any emission of mercury does not exceed 0.3 micrograms per cubic meter, and must be operated in a secure, ventilated area not accessible to the general public.

Enacted Law Summary

Public Law 2011, chapter 275 authorizes the use of crushing devices in a mercury-added lamp recycling program. The owner of the crushing device must register with the Department of Environmental Protection, develop an

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operating manual for safely crushing mercury-added lamps, document maintenance activities, meet federal Occupational Safety and Health Administration requirements, dispose of all material crushed in the device, maintain an annual report for review by the Department of Environmental Protection, at the discretion of the department, and maintain testing and monitoring data. Crushing devices may be operated only in a closed system, in such a manner that any emission of mercury does not exceed 0.3 micrograms per cubic meter, and must be operated in a secure, ventilated area not accessible to the general public.

LD 515 An Act To Review State Water Quality Standards

PUBLIC 194

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM MAJ ONTP MIN	S-130

This bill is a concept draft pursuant to Joint Rule 208. This bill would revise and update water quality standards utilized to establish waste discharge license parameters. This bill would also establish procedures for developing alternative state and site-specific water quality standards.

Committee Amendment "A" (S-130)

This amendment replaces the bill. The amendment allows mercury testing once per year. It establishes a new risk level for inorganic arsenic when the Department of Environmental Protection is calculating ambient water quality criteria. It provides that the department may use any unallocated assimilative capacity that the department has set aside for future growth if use of the unallocated assimilative capacity would avoid an exceedance or reasonable potential to exceed ambient water quality criteria. It provides that metals limits must be expressed as mass-based limits.

Enacted Law Summary

Public Law 2011, chapter 194 establishes a new risk level for inorganic arsenic when the Department of Environmental Protection is calculating ambient water quality criteria. It allows mercury testing once per year. It provides that the department may use any unallocated assimilative capacity that the department has set aside for future growth if use of the unallocated assimilative capacity would avoid an exceedance or reasonable potential to exceed ambient water quality criteria. It provides that metals limits must be expressed as mass-based limits.

LD 524 An Act To Charge a Fee for Garbage Disposal To Encourage Recycling

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a fee, to be collected and retained by local municipalities, to offset the costs associated with the collection and disposal of household refuse and the collection of recyclable materials at municipal landfills.