

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

3. Decreasing from 5 to 4 the number of public members.

The amendment also alters the duties of the review board to include reviewing Department of Environmental Protection priorities for disbursements from the Ground Water Oil Clean-up Fund and making recommendations to the Commissioner of Environmental Protection on how the fund should be allocated. The amendment also provides for the number of meetings to be held by the review board and for the annual selection of a chair. The amendment also consolidates responsibilities for hearing appeals and reporting to the Legislature in the section of law that deals with the review board. The amendment retains the provision in current law that repeals the review board on December 31, 2015. The amendment also retains the provision in the bill that provides that total disbursements from the Ground Water Oil Clean-up Fund for administrative expenses may not exceed \$2,000,000 per fiscal year.

House Amendment "A" To Committee Amendment "A" (H-314)

This amendment strikes the section of Committee Amendment "A" that provides that total disbursements from the Ground Water Oil Clean-up Fund for administrative expenses may not exceed \$2,000,000 per fiscal year.

Enacted Law Summary

Public Law 2011, chapter 243 changes the membership of the Fund Insurance Review Board; alters the duties of the review board to include reviewing Department of Environmental Protection priorities for disbursements from the Ground Water Oil Clean-up Fund and making recommendations to the Commissioner of Environmental Protection on how the fund should be allocated; provides for the number of meetings to be held by the review board and for the annual selection of a chair; consolidates responsibilities for hearing appeals and reporting to the Legislature in the section of law that deals with the review board; and retains the provision in current law that repeals the review board on December 31, 2015.

LD 680 Resolve, Directing the Commissioner of Environmental Protection To ONTP
Convene a Task Force To Study the Effect of Additives in Gasoline

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

This resolve requires the Commissioner of Environmental Protection to convene a task force to study and report to the Legislature on the effects of additives in gasoline on the environment.

LD 693 An Act Concerning Solid Waste Facility Citizen Advisory Committees Carried Over

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

This bill clarifies that a solid waste facility citizen advisory committee is to continue through the closure of the facility. It authorizes a citizen advisory committee to appeal licensing and permitting decisions and intervene in licensing and permitting proceedings if the disposition of the proceedings could impair the ability of the committee to carry out its responsibilities. It authorizes municipalities that appoint members to a citizen advisory committee to appeal licensing and permitting decisions and intervene in licensing and permitting

Joint Standing Committee on Environment and Natural Resources

proceedings. It directs the Executive Department, State Planning Office to provide financial and administrative support for citizen advisory committees. The bill also makes these provisions applicable to the citizen advisory committee established in connection with the Juniper Ridge landfill in Old Town and Alton.

Committee Amendment "A" (H-444)

This amendment removes the language from the bill that clarifies that a solid waste disposal facility citizen advisory committee established in accordance with the Maine Revised Statutes, Title 38, section 2171 continues through the closure of the facility and that the committee is authorized to appeal and intervene in licensing and permitting proceedings if the disposition of the proceedings could impair the ability of the committee to carry out its responsibilities. The amendment also removes the language that requires the Executive Department, State Planning Office to provide financial and administrative support for the joint citizen advisory committee established for the Juniper Ridge Landfill in accordance with Resolve 2003, chapter 93. The amendment retains the provision in the bill that provides for impact payments to a municipality in which a state-owned solid waste disposal facility is located to provide financial and administrative support for the joint citizen advisory committee. The bill authorizes the citizen advisory committee established in connection with the Juniper Ridge landfill to report committee findings and recommendations concerning the disposal facility to the City of Old Town and the Town of Alton; the amendment adds the authority to report to the Penobscot Nation. The bill authorizes the City of Old Town and Town of Alton to appeal a license or permit decision and intervene in proceedings relating to the facility; the amendment gives that authority to the Penobscot Nation also. The amendment also makes technical corrections and adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-500)

This amendment provides that the Executive Department, State Planning Office is not required to base its impact payments to the municipality in which a state-owned solid waste disposal facility is located on financial and administrative support for a citizen advisory committee if the operator of the facility is required to provide that support pursuant to an agreement for the operation of the facility. This amendment also strikes the appropriations and allocations section due to the change made by this amendment.

LD 693 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 716 An Act To Improve the Recycling Rate of Mercury-added Motor Vehicle Components

LEAVE TO WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES GOODALL	LTW	

This bill clarifies that payment is required for the disposal of mercury-added motor vehicle components for motor vehicles for which a vehicle identification number or year, make and model have been provided. The bill defines the term "manufacturer." The bill also authorizes the Department of Environmental Protection to pay for the cost of collecting and recycling a manufacturer's mercury switches and seek cost recovery from the nonpaying manufacturer. The bill also authorizes the Attorney General to bring a civil action against a nonpaying manufacturer to recover the costs.