

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. THOMAS B. SAVIELLO, CHAIR
SEN. ROGER L. SHERMAN
SEN. SETH A. GOODALL

REP. JAMES M. HAMPER, CHAIR
REP. BERNARD L. A. AYOTTE
REP. JANE S. KNAPP
REP. JOAN M. NASS
REP. RICKY D. LONG
REP. JAMES W. PARKER
REP. ROBERT S. DUCHESNE
REP. MELISSA WALSH INNES
REP. JOAN W. WELSH
REP. DENISE PATRICIA HARLOW

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
125TH LEGISLATURE
FIRST REGULAR SESSION



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

water source; the person causing or responsible for the discharge is still required to remove the discharge and reimburse the department for any costs related to the discharge.

LD 1398

An Act To Amend the Laws Administered by the Department of Environmental Protection

**PUBLIC 206
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER	OTP-AM MAJ OTP-AM MIN	H-369

This bill makes the following changes to the laws governing environmental protection.

1. It authorizes the Department of Environmental Protection to allow an operator to review a completed operator certification test with department staff in order to identify subject areas for which questions were answered incorrectly and further study is advisable.
2. It repeals an obsolete provision of law governing certification of underground oil storage tank removers.
3. It clarifies the laws governing liability of fiduciaries and lenders who undertake investigations of contaminated property.
4. It changes the name of the Pollution Prevention Advisory Committee to the Pollution Prevention and Small Business Assistance Advisory Panel and amends the laws governing the appointment of members to the panel and terms and compensation of members.
5. It adds the category of degraded regions or watersheds to the list of regions or watersheds that the department is required to establish in rule.
6. It amends the Maine Revised Statutes, Title 38, section 420-D, subsection 5 to provide that if project review is required pursuant to Title 38, section 1310-N, 1319-R or 1319-X, regarding waste facility licenses, review is not required pursuant to the laws governing storm water management.
7. It repeals Title 38, section 420-D, subsection 7, paragraph F, which is an exemption from the laws governing storm water management for waste facilities regulated under Title 38, section 1310-N, 1319-R or 1319-X.
8. It amends Title 38, section 420-D, subsection 11, a provision that authorizes the Department of Environmental Protection to establish a nonpoint source reduction program to allow an applicant to pay a compensation fee in lieu of meeting certain requirements, by adding the alternative of allowing an applicant to carry out a compensation project in lieu of meeting such requirements. It also deletes a related provision that authorizes the department to allow an applicant to meet a municipally required mitigation option in certain circumstances as an alternative to paying a compensation fee.
9. It amends Title 38, section 469 to add text consistent with the first paragraph of section 469, to correct the structure of section 469 and to aid the ease of use of the section.
10. It amends the laws governing the classification of estuarine and marine waters in Phippsburg to specify missing coordinates.
11. It amends the oil spill prevention laws to make it clear that liquid natural gas is not oil.

Joint Standing Committee on Environment and Natural Resources

12. It amends the laws on registration of underground oil storage tanks to require that such tanks be registered within the year preceding installation.
13. It amends the laws governing abandonment and removal of oil storage facilities to allow flexibility in providing notice to the department in advance of removal work.
14. It amends the oil spill remediation laws to make it clear that the costs of cleaning up discharges from aboveground home heating oil tanks are eligible for coverage by the Ground Water Oil Clean-up Fund whether or not the tank is constructed of fiberglass, cathodically protected steel or other noncorrosive material. It also deletes obsolete language related to eligibility for fund coverage of discharges that were discovered before October 1, 1999.
15. It amends the oil spill remediation laws to provide that oil cleanup costs from leaking storage tanks are eligible for coverage by the Ground Water Oil Clean-up Fund if the applicant for coverage such as the tank owner or operator pays the applicable statutory deductibles.
16. It limits the liability of municipalities that acquire oil storage facilities through tax delinquency proceedings.
17. It repeals and replaces Title 38, section 584-A to provide that references to ambient air quality standards refer to national ambient air quality standards.
18. It amends the wellhead protection laws to extend the siting restrictions on automobile maintenance shops to public works garages and other noncommercial facilities where motor vehicles are serviced.
19. It amends the wellhead protection laws to eliminate language regarding the applicability of wellhead siting restrictions to development under construction. The language has been rendered obsolete by the passage of time.
20. It amends the mercury products laws to consolidate restrictions on the sale of mercury-added batteries.
21. It amends the mercury products laws to clarify that automakers must pay the minimum \$4 amount for mercury switches from motor vehicles if the year, make and model of the vehicle are provided.
22. It amends the laws governing recycling of mercury thermostats to clarify the requirements for distribution of collection bins to recycling locations. It also amends the provisions requiring thermostat manufacturers to pay a \$5 bounty on each mercury thermostat returned for recycling by clarifying that the bounty is owed whether or not the thermostat is returned with the exterior cover intact.
23. It consolidates reporting requirements under the thermostat recycling and product stewardship laws.
24. It amends the product stewardship laws to make explicit that product manufacturers may create a stewardship organization to implement their responsibilities for managing the environmental impacts of their products.

Committee Amendment "A" (H-369)

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. It adds an emergency preamble and clause.
2. It retains the current authority of the President of the Senate and Speaker of the House to appoint members to the Pollution Prevention and Small Business Assistance Advisory Panel. The bill proposes to move the authority to appoint 4 members to the Governor.
3. It amends the law on registration of underground oil storage tanks to require that the tanks be registered within 2 years preceding installation, instead of within one year as proposed in the bill.

Joint Standing Committee on Environment and Natural Resources

4. It clarifies that the authority of the Department of Environmental Protection to adopt emission standards designed to achieve ambient air quality standards is not limited by language in the bill that references the federal Clean Air Act.
5. It adds a provision that amends the single entity ownership exception contained in the definition of "commercial solid waste disposal facility."
6. It adds a provision that amends the laws governing wellhead protection to address the removal and replacement of grandfathered facilities in wellhead protection zones.
7. It adds a provision that delays the effective date of Maine's ban on the sale of mercury-added button cell batteries.

Enacted Law Summary

Public Law 2011, chapter 206 makes the following changes to the laws governing environmental protection.

1. It authorizes the Department of Environmental Protection to allow an operator to review a completed operator certification test with department staff in order to identify subject areas for which questions were answered incorrectly and further study is advisable.
2. It repeals an obsolete provision of law governing certification of underground oil storage tank removers.
3. It clarifies the laws governing liability of fiduciaries and lenders who undertake investigations of contaminated property.
4. It changes the name of the Pollution Prevention Advisory Committee to the Pollution Prevention and Small Business Assistance Advisory Panel and amends the laws governing the appointment of certain members to the panel and terms and compensation of members.
5. It adds the category of degraded regions or watersheds to the list of regions or watersheds that the department is required to establish in rule.
6. It amends the Maine Revised Statutes, Title 38, section 420-D, subsection 5 to provide that if project review is required pursuant to Title 38, section 1310-N, 1319-R or 1319-X, regarding waste facility licenses, review is not required pursuant to the laws governing storm water management.
7. It repeals Title 38, section 420-D, subsection 7, paragraph F, which is an exemption from the laws governing storm water management for waste facilities regulated under Title 38, section 1310-N, 1319-R or 1319-X.
8. It amends Title 38, section 420-D, subsection 11, a provision that authorizes the Department of Environmental Protection to establish a nonpoint source reduction program to allow an applicant to pay a compensation fee in lieu of meeting certain requirements, by adding the alternative of allowing an applicant to carry out a compensation project in lieu of meeting such requirements. It also deletes a related provision that authorizes the department to allow an applicant to meet a municipally required mitigation option in certain circumstances as an alternative to paying a compensation fee.
9. It amends Title 38, section 469 to add text consistent with the first paragraph of section 469, to correct the structure of section 469 and to aid the ease of use of the section.
10. It amends the laws governing the classification of estuarine and marine waters in Phippsburg to specify missing coordinates.

Joint Standing Committee on Environment and Natural Resources

11. It amends the oil spill prevention laws to make it clear that liquid natural gas is not oil.
12. It amends the laws on registration of underground oil storage tanks to require that such tanks be registered within 2 years preceding installation.
13. It amends the laws governing abandonment and removal of oil storage facilities to allow flexibility in providing notice to the department in advance of removal work.
14. It amends the oil spill remediation laws to make it clear that the costs of cleaning up discharges from aboveground home heating oil tanks are eligible for coverage by the Ground Water Oil Clean-up Fund whether or not the tank is constructed of fiberglass, cathodically protected steel or other noncorrosive material. It also deletes obsolete language related to eligibility for fund coverage of discharges that were discovered before October 1, 1999.
15. It amends the oil spill remediation laws to provide that oil cleanup costs from leaking storage tanks are eligible for coverage by the Ground Water Oil Clean-up Fund if the applicant for coverage such as the tank owner or operator pays the applicable statutory deductibles.
16. It limits the liability of municipalities that acquire oil storage facilities through tax delinquency proceedings.
17. It repeals and replaces Title 38, section 584-A to provide that references to ambient air quality standards refer to national ambient air quality standards.
18. It amends the wellhead protection laws to extend the siting restrictions on automobile maintenance shops to public works garages and other noncommercial facilities where motor vehicles are serviced.
19. It amends the wellhead protection laws to eliminate language regarding the applicability of wellhead siting restrictions to development under construction. The language has been rendered obsolete by the passage of time.
20. It amends the mercury products laws to consolidate restrictions on the sale of mercury-added batteries.
21. It amends the mercury products laws to clarify that automakers must pay the minimum \$4 amount for mercury switches from motor vehicles if the year, make and model of the vehicle are provided.
22. It amends the laws governing recycling of mercury thermostats to clarify the requirements for distribution of collection bins to recycling locations. It also amends the provisions requiring thermostat manufacturers to pay a \$5 bounty on each mercury thermostat returned for recycling by clarifying that the bounty is owed whether or not the thermostat is returned with the exterior cover intact. (Note: Public Law 2011, chapter 420, "the Errors Bill," removed these provisions from law.)
23. It consolidates reporting requirements under the thermostat recycling and product stewardship laws. (See Note in #22 above.)
24. It amends the product stewardship laws to make explicit that product manufacturers may create a stewardship organization to implement their responsibilities for managing the environmental impacts of their products.
25. It amends the single entity ownership exception contained in the definition of "commercial solid waste disposal facility."
26. It amends the laws governing wellhead protection to address the removal and replacement of grandfathered facilities in wellhead protection zones.
27. It delays the effective date of Maine's ban on the sale of mercury-added button cell batteries.

Joint Standing Committee on Environment and Natural Resources

Public Law 2011, chapter 206 was enacted as an emergency measure effective June 3, 2011.

LD 1412 An Act To Promote the Proper Disposal of Used Medical Sharps Carried Over

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

This bill requires a manufacturer of medical sharps to participate in a program, individually or in conjunction with other manufacturers, for the collection, handling, transportation, treatment and disposal of unwanted medical sharps. It also provides that an entity that uses medical sharps is not required to dispose of them by shredding.

LD 1412 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 1417 An Act To Exempt Wine Bottles from Maine's Container Redemption System ONTP

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

This bill exempts wine bottles from the bottle redemption system.

LD 1433 An Act To Provide for the Recycling or Proper Disposal of Architectural Paint ONTP

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

This bill establishes a product stewardship program for the environmentally sound disposal of architectural paint.

**LD 1434 An Act To Streamline the Waste Motor Oil Disposal Site Remediation Program PUBLIC 211
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J SAVIELLO	OTP-AM	H-318