

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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STATE OF MAINE

125TH LEGISLATURE
SECOND 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 Second 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.

<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; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & 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>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 125th Legislature is Thursday, August 30, 2012. 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 1646 An Act To Facilitate the Use of Alternative Methods for Biomedical Waste Treatment and Disposal

ONTP

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

This bill directs the Department of Environmental Protection to establish, by rule, approved alternative treatment processes for the treatment and disposal of biomedical waste for use by medical facilities. The rules must include disposal standards and may not require a medical facility to obtain a biomedical waste treatment facility license for treating its own biomedical waste. The bill also provides that the Department of Environmental Protection adopt the rules regarding handling and disposal of biomedical waste, consistent with the Maine Revised Statutes, Title 38, section 341-H.

LD 1648 An Act To Clarify the Site Location of Development Laws Regarding Exemptions for Previously Developed Sites

PUBLIC 551

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-434

Current law provides that developments that are in existence, authorized, licensed or under construction prior to specified dates are exempted from the laws governing site location of development. This bill specifies that any modification, change in use or addition to such a development or to a development on a military base similarly exempt does not affect the exemption.

Committee Amendment "A" (S-434)

This amendment strikes the bill and amends certain existing exemptions and adds new exemptions to the laws governing site location of development.

1. It amends the existing exemption for development in existence on January 1, 1970, by providing that:
 - A. Reuse of a building and associated facilities in existence on January 1, 1970, is exempt from review; and
 - B. When reviewing an application under the laws governing site location of development or determining whether the laws governing site location of development apply to a project, the Department of Environmental Protection may not take into consideration any development that is exempt from review due to its pre-1970 status.
2. It amends the existing exemption for former military bases by providing that:
 - A. Reuse of a building and associated facilities in existence on September 29, 1995, on a former military base is exempt from review;
 - B. Unless exempt, development that meets the definition of "development of state or regional significance that may substantially affect the environment" is subject to review;
 - C. When reviewing an application under the laws governing site location of development, the department may

Joint Standing Committee on Environment and Natural Resources

not take into consideration any development that is exempt from review; and

D. Subsequent lease of a former base or a portion of the base does not affect the exemption.

3. It adds an exemption for certain development at ski areas that hold a permit pursuant to the laws governing site location of development. The exemption is similar to the existing exemption for manufacturing facilities.
4. It adds an exemption for certain development on educational institution campuses that hold a permit pursuant to the laws governing site location of development. The exemption is similar to the existing exemption for manufacturing facilities. The amendment clarifies that the exemption does not authorize activity on a parcel of land affected by an order or permit issued by the department that is contrary to that order or permit.
5. It clarifies that, unless specifically provided, nothing in the laws governing site location of development exempts any activity from any requirements under the Maine Revised Statutes, Title 38, rules adopted pursuant to Title 38 or the terms or conditions of a license, permit or order issued by the Board of Environmental Protection or the Commissioner of Environmental Protection.

Enacted Law Summary

Public Law 2011, chapter 551 amends certain existing exemptions and adds new exemptions to the laws governing site location of development.

1. It amends the existing exemption for development in existence on January 1, 1970, by providing that:
 - A. Reuse of a building and associated facilities in existence on January 1, 1970, is exempt from review; and
 - B. When reviewing an application under the laws governing site location of development or determining whether the laws governing site location of development apply to a project, the Department of Environmental Protection may not take into consideration any development that is exempt from review due to its pre-1970 status.
2. It amends the existing exemption for former military bases by providing that:
 - A. Reuse of a building and associated facilities in existence on September 29, 1995, on a former military base is exempt from review;
 - B. Unless exempt, development that meets the definition of "development of state or regional significance that may substantially affect the environment" is subject to review;
 - C. When reviewing an application under the laws governing site location of development, the department may not take into consideration any development that is exempt from review; and
 - D. Subsequent lease of a former base or a portion of the base does not affect the exemption.
3. It adds an exemption for certain development at ski areas that hold a permit pursuant to the laws governing site location of development. The exemption is similar to the existing exemption for manufacturing facilities.
4. It adds an exemption for certain development on educational institution campuses that hold a permit pursuant to the laws governing site location of development. The exemption is similar to the existing exemption for manufacturing facilities. The law clarifies that the exemption does not authorize activity on a parcel of land affected by an order or permit issued by the department that is contrary to that order or permit.
5. It clarifies that, unless specifically provided, nothing in the laws governing site location of development exempts any activity from any requirements under the Maine Revised Statutes, Title 38, rules adopted pursuant to Title 38 or

Joint Standing Committee on Environment and Natural Resources

the terms or conditions of a license, permit or order issued by the Board of Environmental Protection or the Commissioner of Environmental Protection.

LD 1683 An Act To Provide Funding To Operate the Dolby Landfill in the Town of East Millinocket DIED ON ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H THOMAS	OTP-AM	H-750

This bill makes General Fund appropriations of \$250,000 for the operation of the Dolby Landfill in the Town of East Millinocket. The substance of this bill was incorporated into Public Law 2011, chapter 657, Part A (LD 1746).

Committee Amendment "A" (H-750)

This amendment incorporates a fiscal note.

LD 1686 An Act To Amend the Process for Issuing State Water Quality Certificates to Hydropower Projects That Withdraw Water from Great Ponds ONTP

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

This bill prohibits the Department of Environmental Protection from issuing a water quality certificate in connection with a hydropower project that withdraws water from a hydropower impoundment managed as a great pond unless the Department of Inland Fisheries and Wildlife and the Department of Conservation agree that the project will not violate water quality standards applicable to the impoundment related to fishing, recreation and habitat for fish and other aquatic life.

LD 1718 An Act To Improve Maine's Capacity To Produce Low-cost Renewable Energy through Hydroelectric Power MAJORITY (ONTP) REPORT

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

This bill provides that the Department of Environmental Protection may not grant a permit for an activity that will result in a reduction in the potential of a dam to produce hydroelectric power at a cost that is economically competitive with other renewable sources of electricity unless the department determines that the activity is necessary for public safety or to avoid a significant threat to the environment.