

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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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
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

Enacted Law Summary

Public Law 2011, chapter 546 revises the Department of Environmental Protection's annual waste discharge fee system. It eliminates the base fee, the fee for quantities of pollutants actually discharged or licensed to be discharged, the annualized license renewal service fee, the initial dilution fee and the multiple discharge point fee. In place of these fees it establishes for existing licensees a fee based on the average of the licensee's 2009 and 2010 bill amounts or a fee based on the licensee's 2011 bill amount, depending on the discharge group. It establishes for new licensees an annual fee based on the median fee of all licensees within the new licensee's discharge group. It establishes that, if no discharge occurs for an entire year, the fee is reduced to 25% of the annual fee. It establishes that an annual fee may be modified by a percentage that is equivalent to the percentage of any change to the licensed discharge flow.

Public Law 2011, chapter 546 was enacted as an emergency measure effective March 29, 2012.

LD 1793 Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standard of the Site Location Law, a Major Substantive Rule of the Department of Environmental Protection RESOLVE 131 EMERGENCY

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

This resolve provides for legislative review of portions of Chapter 375: No Adverse Environmental Effect Standard of the Site Location Law, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2011, chapter 131 authorizes the adoption of portions of Chapter 375: No Adverse Environmental Effect Standard of the Site Location Law, a major substantive rule of the Department of Environmental Protection.

Resolve 2011, chapter 131 was finally passed as an emergency measure effective March 18, 2012.

LD 1794 Resolve, Regarding Legislative Review of Portions of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection RESOLVE 139 EMERGENCY

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

This resolve provides for legislative review of portions of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2011, chapter 139 authorizes adoption of portions of Chapter 378: Variance Criteria for the Excavation of

Joint Standing Committee on Environment and Natural Resources

Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection.

Resolve 2011, chapter 139 was finally passed as an emergency measure effective March 29, 2012.

**LD 1797 Resolve, Regarding Legislative Review of Portions of Chapter 305:
Permit by Rule, a Major Substantive Rule of the Department of
Environmental Protection** **RESOLVE 140
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 305: Permit by Rule, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2011, chapter 140 authorizes the adoption of portions of Chapter 305: Permit by Rule, a major substantive rule of the Department of Environmental Protection.

Resolve 2011, chapter 140 was finally passed as an emergency measure effective March 29, 2012.

**LD 1846 Resolve, Directing the Department of Environmental Protection To
Adopt Rules Pertaining to Petroleum Storage and Gravel Pits** **RESOLVE 149
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-485

This resolve requires the Department of Environmental Protection to adopt an emergency rule to allow aboveground oil storage tanks used to supply diesel fuel to be located in excavations for borrow, clay, topsoil or silt and quarries that are in significant sand and gravel aquifers.

Committee Amendment "A" (S-485)

This amendment adds an emergency preamble and emergency clause and replaces the resolve. It provides that the emergency rule is a routine technical rule and provides for nonemergency routine technical rulemaking following adoption of the emergency rule. It also provides that subsequent amendments to the rule are major substantive rules. Under current law, Public Law 2007, chapter 569, subsection 7, the rule is a major substantive rule.

Enacted Law Summary

Resolve 2011, chapter 149 requires the Department of Environmental Protection to adopt an emergency rule to allow aboveground oil storage tanks used to supply diesel fuel to be located in excavations for borrow, clay, topsoil or silt and quarries that are in significant sand and gravel aquifers. It provides that the emergency rule is a routine technical rule and provides for nonemergency routine technical rulemaking following adoption of the emergency rule. It also provides that subsequent amendments to the rule are major substantive rules. Under current law, Public Law 2007, chapter 569, subsection 7, the rule is a major substantive rule.