

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
SECOND REGULAR SESSION



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

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

June 2012

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
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

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.

Joint Standing Committee on Environment and Natural Resources

Resolve 2011, chapter 149 was finally passed as an emergency measure effective April 6, 2012.

**LD 1853 An Act To Improve Environmental Oversight and Streamline
Permitting for Metallic Mineral Mining in Maine**

PUBLIC 653

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J JACKSON	OTP-AM MAJ ONTP MIN	H-940

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create a comprehensive statutory framework to replace current mining law and rules and to establish the Department of Environmental Protection as the agency responsible for permitting and regulating the development, operation and closure of metallic mining in the State.

Committee Amendment "A" (H-940)

This amendment is the majority report of the Joint Standing Committee on Environment and Natural Resources and replaces the bill, which is a concept draft. The amendment creates a statutory framework for the regulation of metallic mineral mining in the State by the Department of Environmental Protection. Under current law, metallic mineral mining in the unorganized territories is regulated by the Maine Land Use Regulation Commission. Under the amendment, beginning in January 2014, regulation of metallic mineral mining is no longer regulated under the site location of development laws but is regulated under the Maine Metallic Mineral Mining Act. Existing Maine Land Use Regulation Commission and Department of Environmental Protection rules relating to metallic mineral mining remain in effect until the Legislature approves major substantive rules provisionally adopted by the Department of Environmental Protection, except that the Department of Environmental Protection and the Maine Land Use Regulation Commission are directed to amend their rules regarding exploration and advanced exploration through routine technical rulemaking. The amendment transfers \$250,000 from the Uncontrolled Sites Fund and \$250,000 from the Ground Water Oil Clean-up Fund to the Metallic Mining Fund, Other Special Revenue Funds account.

Enacted Law Summary

Public Law 2011, chapter 653 creates a statutory framework for the regulation of metallic mineral mining in the State by the Department of Environmental Protection. Under current law, metallic mineral mining in the unorganized territories is regulated by the Maine Land Use Regulation Commission. Beginning in January 2014, regulation of metallic mineral mining is no longer regulated under the site location of development laws but is regulated under the Maine Metallic Mineral Mining Act. Existing Maine Land Use Regulation Commission and Department of Environmental Protection rules relating to metallic mineral mining remain in effect until the Legislature approves major substantive rules provisionally adopted by the Department of Environmental Protection, except that the Department of Environmental Protection and the Maine Land Use Regulation Commission are directed to amend their rules regarding exploration and advanced exploration through routine technical rulemaking. The amendment transfers \$250,000 from the Uncontrolled Sites Fund and \$250,000 from the Ground Water Oil Clean-up Fund to the Metallic Mining Fund, Other Special Revenue Funds account.