

STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

July 2007

MEMBERS:

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SEN. PHILIP L. BARTLETT, II
SEN. DOUGLAS M. SMITH

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**JOINT STANDING COMMITTEE ON
NATURAL RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	74	96.1%	3.8%
<u><i>Bills Carried Over</i></u>	<u>2</u>	<u>2.6%</u>	<u>0.1%</u>
Total Bills referred	76	98.7%	3.9%
B. Bills reported out by law or joint order	1	1.3%	0.1%
Total Bills considered by Committee	77	100.0%	4.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	6.7%	0.3%
<i>Ought to Pass as Amended</i>	32	42.7%	1.8%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>35</u>	<u>46.7%</u>	<u>2.0%</u>
Total unanimous reports	72	96.0%	4.1%
B. Divided committee reports			
<i>Two-way reports</i>	3	4.0%	0.2%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	3	4.0%	0.2%
Total committee reports	75	97.4%	4.3%
III. CONFIRMATION HEARINGS	3	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	33	42.9%	1.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	6	7.8%	0.3%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	39	50.6%	2.0%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	50.0%	4.2%
Rules authorized with legislative changes	1	50.0%	4.2%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	2	100.0%	8.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

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LD 52 An Act To Review the Department of Environmental Protection's Procedures in Issuing Written Approval for New Building Projects ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to establish a review of the Department of Environmental Protection's process for issuing written approval of new construction projects, including the length of time between the request for approval and the issuance of that approval by the department.

LD 78 An Act To Protect Neighborhoods from Scrap Metal Pollution ONTP

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

This bill prohibits junkyards and automobile graveyards from placing material within 1,000 feet of inland and tidal waters or within 700 feet of a residence.

LD 107 Resolve, To Address State Leadership in Climate Engineering ONTP

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

This resolve is a concept draft pursuant to Joint Rule 208. The resolve proposes to create a group to initiate the process in addressing state leadership in climate engineering.

LD 108 An Act To Exempt Certain Vehicles from the California Low-emission Vehicle Standards ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS SMITH D	ONTP	

This bill exempts vehicles with a manufacturer's estimated highway mileage rating of at least 40 miles per gallon from the California low-emission vehicle standards.

LD 109 An Act To Require a Model Radon Standard for New Residential Construction PUBLIC 90

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN MARTIN	OTP-AM	H-78

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This bill requires that if a municipality intends to adopt a radon code or standard for new residential construction, that municipality must adopt a radon code or standard recommended by the American Society for Testing and Materials.

Committee Amendment "A" (H-78)

This amendment replaces the bill. The amendment requires that if a municipality adopts a radon standard or code for new residential construction it must adopt the American Society for Testing and Materials standard E-1465-06. The amendment allows municipalities that have already adopted radon standards or codes for new residential construction to keep those standards and codes.

Enacted Law Summary

Public Law 2007, chapter 90 requires that if a municipality adopts a radon standard or code for new residential construction it must adopt the American Society for Testing and Materials standard E-1465-06. Chapter 90 allows municipalities that have already adopted radon standards or codes for new residential construction to keep those standards and codes.

LD 128 *Resolve, Directing the Board of Environmental Protection To Adopt Rules To Improve the Emissions and Efficiency of Outdoor Wood Boilers* **ONTP**

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

This resolve directs the Board of Environmental Protection to adopt rules regulating the sale, installation and use of outdoor wood boilers.

LD 258 *An Act To Amend the Laws Governing Setbacks under the Natural Resource Protection Laws* **ONTP**

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

This bill provides that criteria adopted by the Department of Environmental Protection to regulate significant vernal pools, waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas may not regulate an area exceeding 100 feet from the edge of the protected feature. The intent of the bill is to reduce the area regulated from 250 feet to 100 feet.

LD 301 *An Act Relating to Alternate Directors for Public Waste Disposal Corporations* **PUBLIC 91**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AUSTIN	OTP-AM	H-64

This bill allows the municipal officers of a municipality participating in a public waste disposal corporation to appoint one or more alternate directors, or to delegate to a municipal official the authority for the appointment, to serve in the absence of the director elected by the municipal officers.

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Committee Amendment "A" (H-64)

This amendment deletes from the bill the authority of municipal officers to delegate to a municipal official the authority to appoint an alternate director or alternate directors to a public waste disposal corporation.

Enacted Law Summary

Public Law 2007, chapter 91 allows the municipal officers of a municipality participating in a public waste disposal corporation to appoint one or more alternate directors to serve in the absence of the director elected by the municipal officers.

LD 326 **An Act To Enhance Implementation of the Significant Wildlife Habitat Rules** ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER SNOWE-MELLO	ONTP	

This bill exempts building lots that were established prior to September 1, 2007 from the significant vernal pool habitat regulations adopted by the Department of Environmental Protection. It also adds language clarifying that all department rules regarding significant vernal pool habitat, high and moderate waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas are major substantive rules.

LD 333 **An Act To Reward Cooperation in Comprehensive Planning** ONTP

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

This bill implements a recommendation of the Community Preservation Advisory Committee. It requires that a financial assistance grant for comprehensive planning that is provided to a multimunicipal region must be greater than that of a grant provided to an individual municipality.

LD 340 **An Act To Require the Replacement of Trees Cut in Shoreland Areas** PUBLIC 92

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL	OTP-AM	H-77

This bill requires a person who cuts a tree in violation of the laws regulating shoreland zoning to replace the tree with a tree of substantially similar size and species.

Committee Amendment "A" (H-77)

This amendment replaces the bill. The amendment requires a person who cuts a tree or understory vegetation in violation of the laws regulating shoreland zoning or a shoreland zoning ordinance to replace the tree or understory vegetation with a tree or understory vegetation of substantially similar size and species to the extent available and feasible. In addition, the violator must submit a reforestation plan to the municipality. Timber harvesting is exempted from the requirements.

Enacted Law Summary

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Public Law 2007, chapter 92 requires a person who cuts a tree or understory vegetation in violation of the laws regulating shoreland zoning or a shoreland zoning ordinance to replace the tree or understory vegetation with a tree or understory vegetation of substantially similar size and species to the extent available and feasible. In addition, the violator must submit a reforestation plan to the municipality. Timber harvesting is exempted from the requirements.

LD 345 An Act To Clarify Recent Changes to the Laws Regulating Land Use Ordinances

**PUBLIC 77
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-60

This bill addresses the issue of state regulation of local rate of growth ordinances, which limit the number of building permits issued each year. The Maine Revised Statutes, Title 30-A, section 4360, subsection 3 (enacted by Public Law 2005, chapter 597) provides that local rate of growth ordinances must be based upon the number of building or development permits issued over the past 10 years. The current language could be interpreted to mean all building permits, including permits for minor construction activity such as adding a deck onto an existing dwelling, which are not limited by rate of growth ordinances. This bill clarifies that local rate of growth ordinances must be based upon the number of building permits issued only for new residential dwellings over the past 10 years.

Committee Amendment "A" (H-60)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 77 clarifies that local rate of growth ordinances must be based upon the number of building permits issued only for new residential dwellings over the past 10 years.

Public Law 2007, chapter 77 was enacted as an emergency measure effective May 8, 2007.

LD 359 An Act To Link Sewer Extension Funding to Comprehensive Planning

ONTP

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

This bill implements a recommendation of the Community Preservation Advisory Committee. The bill provides that the State may invest in a sewer line extension only when the extension is consistent with a comprehensive plan.

LD 399 An Act To Require Impact Statements from Potential Purchasers of Public Utilities and Those Who Apply To Extract Natural Resources

ONTP

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

This bill requires that an impact statement be submitted prior to the transfer of ownership of a public utility or

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the issuance of a lease, permit or license to commercially extract natural resources.

LD 437 Resolve, Concerning the Reporting of Oil Spills

RESOLVE 99

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-197

This bill provides that a person who causes certain discharges of oil will not be subject to fines or civil penalties if certain requirements are met.

Committee Amendment "A" (S-197)

This amendment replaces the bill with a resolve. The amendment requires the Department of Environmental Protection to establish guidance concerning the use of memoranda of agreement between aboveground oil and storage and handling facilities and the department. It also requires the department to undertake education and outreach to small facilities concerning the reporting requirements relating to the discharge of oil.

Enacted Law Summary

Resolve 2007, chapter 99 requires the Department of Environmental Protection to establish guidance concerning the use of memoranda of agreement between aboveground oil and storage and handling facilities and the department relating to the reporting of oil spills and discharges. It also requires the department to undertake education and outreach to small facilities concerning the reporting requirements relating to the discharge of oil.

LD 443 An Act To Require the Department of Environmental Protection To Meet the Federal Requirements on Regional Haze Visibility Impairment

PUBLIC 95

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-50

This bill provides that the current sulfur content cap applies to sources that are required to satisfy case-by-case requirements of best available retrofit technology. It also requires the Department of Environmental Protection to report to the Legislature on its plan to meet the federal requirements on regional haze visibility impairment no later than March 1, 2008.

Committee Amendment "A" (S-50)

This amendment replaces the bill. The amendment defines "Best Available Retrofit Technology" and "BART eligible unit." It sets BART requirements for facilities that are determined to need additional sulfur air pollution controls. It requires the Department of Environmental Protection to report on a plan to meet federal requirements on regional haze. It gives the Joint Standing Committee on Natural Resources authority to submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Public Law 2007, chapter 95 defines "Best Available Retrofit Technology" and "BART eligible unit." It sets BART requirements for facilities that are determined to need additional sulfur air pollution controls. It requires the Department of Environmental Protection to report on a plan to meet federal requirements on regional haze. It gives the Joint Standing Committee on Natural Resources authority to submit legislation to the Second Regular Session of the 123rd Legislature.

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LD 444 Resolve, Directing the Department of Environmental Protection To Review the Maine Pollutant Discharge Elimination System/Waste Discharge License Program Fee System **ONTP**

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

This resolve directs the Department of Environmental Protection to review the Maine Pollutant Discharge Elimination System/Waste Discharge License program fee system and report its findings to the Joint Standing Committee on Natural Resources by January 30, 2008.

LD 493 Resolve, To Require the Department of Environmental Protection To Provide Engineering and Permitting Assistance To Clean Up Toothaker Pond **ONTP**

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

This resolve requires the Department of Environmental Protection to provide assistance and expertise in the areas of permitting, engineering and grant writing to the residents of the Town of Phillips involved in the restoration of Toothaker Pond.

LD 537 An Act to Protect the Machiasport Clam Flats along the Machias River from Effluent Contamination **ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to require repairs to the Machias Waste Water Treatment Facility to prevent the runoff of sewage into the Machias River to protect the Machiasport clam flats.

LD 542 Resolve, To Direct the Department of Environmental Protection To Locate and Remediate a Gasoline Spill Contaminating a Private Well BY REQUEST **ONTP**

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

This resolve requires the Department of Environmental Protection to locate and remediate a gasoline spill that is contaminating the private well of Norris and Linda Nickerson of Holden or to buy the property from them.

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**LD 555 An Act To Protect Children from Lead Exposure by Requiring
Sufficient Notice of Renovations**

PUBLIC 238

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK	OTP-AM	H-179 H-290 HINCK

This bill requires a person to give to every household in a residential structure 30 days' notice by posting and by certified mail of an activity involving lead-based paint or that has a risk of creating a lead hazard if the structure is child-occupied. The notice may be a 7 days' notice if each adult who lives in the structure signs an acknowledgment and waiver form.

Committee Amendment "A" (H-179)

This amendment replaces the bill. The amendment requires landlords to give 30 days' notice when undertaking any repair, renovation or remodeling activity in a residential building built before 1978 that includes one or more units for rent. The 30-day notice of the work may be waived by obtaining from one adult tenant of each unit in the building a written waiver of the 30-day notice requirement and a written acknowledgement of receipt of notice. The amendment requires the waiver to be in plain language, to immediately precede the adult tenant's signature, to be printed in no less than 12-point boldface type and to be in substantially similar form to a waiver specified in the amendment. The amendment exempts emergency repairs from the notification requirements. Finally, the amendment provides that a person who violates the notice requirements is liable to the lessee for actual damages or \$100, whichever is greater, and reasonable attorney's fees and costs.

House Amendment "A" (H-290)

This amendment strikes the provision of Committee Amendment "A" that imposes a penalty of the greater of actual damages or \$100 and instead provides for a civil violation, subject to a fine of up to \$500 per violation, enforceable in either District Court or Superior Court.

Enacted Law Summary

Public Law 2007, chapter 238 requires landlords to give 30 days' notice when undertaking any repair, renovation or remodeling activity in a residential building built before 1978 that includes one or more units for rent. The 30-day notice of the work may be waived by obtaining from one adult tenant of each unit in the building a written waiver of the 30-day notice requirement and a written acknowledgement of receipt of notice. It requires the waiver to be in plain language, to immediately precede the adult tenant's signature, to be printed in no less than 12-point boldface type and to be in substantially similar form to a waiver specified in the law. Emergency repairs are exempt from the notification requirements. Finally, chapter 238 provides for a civil violation, subject to a fine of up to \$500 per violation, enforceable in either District Court or Superior Court.

**LD 587 An Act To Protect and Improve Lake Water Quality by Reducing
Phosphorus in Lawn Care Fertilizer**

PUBLIC 65

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE	OTP-AM	H-49

This bill adds a prohibition, beginning on January 1, 2008, against the sale or use of fertilizer containing phosphorus for nonagricultural law or turf unless a soil test indicates that additional phosphate is needed or the fertilizer will be used in the establishment of a new lawn. When establishing new grass on bare soil, the fertilizer must be tilled into the soil. The seller of fertilizer containing phosphorus for use on lawn or turf shall

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identify such fertilizer by a sign approved by the Department of Environmental Protection indicating that the product may not be used except as indicated. The sign must be positioned between 4 and 7 feet above the floor and prominently posted where fertilizers containing phosphorus for use on lawn or turf are displayed.

Committee Amendment "A" (H-49)

This amendment removes the provision of the bill that prohibits the use of fertilizer containing phosphorus. The amendment prohibits the sale of fertilizer containing phosphorus at retail stores after January 1, 2008 unless the seller posts a sign that indicates that the product is not appropriate for use on nonagricultural lawns or turf except when a soil test indicates the need for additional phosphorus or the fertilizer will be used in establishing a new lawn or turf or for reseeding or overseeding an existing lawn or turf. The amendment also directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources with recommendations on ways to protect or improve lake water quality. The committee is given authority to submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Public Law 2007, chapter 65 prohibits the sale of fertilizer containing phosphorus at retail stores after January 1, 2008 unless the seller posts a sign that indicates that the product is not appropriate for use on nonagricultural lawns or turf except when a soil test indicates the need for additional phosphorus or the fertilizer will be used in establishing a new lawn or turf or for reseeding or overseeding an existing lawn or turf. The amendment also directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources with recommendations on ways to protect or improve lake water quality. The committee is given authority to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 597 Resolve, To Regulate Blasting Operators

ONTP

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

This resolve directs the Department of Public Safety, Office of the State Fire Marshal to adopt rules to regulate companies and individuals that conduct blasting operations, including requiring registration, certificates of competency and a showing of financial capacity by the blasting concerns in case of personal injury or property damage.

LD 637 An Act To Limit Mercury Exposure

ONTP

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

This bill requires the elimination of mercury in dental offices over a 3-year period. The bill also:

1. Requires dental schools to include in their curricula by January 2008 the risks of exposure to mercury;
2. Requires a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings;
3. Requires the Department of Environmental Protection to develop an education, outreach and assistance

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program for dentists and requires dentists to file an annual report with the department describing the quantities of mercury amalgam purchased, used and recycled from dry sources and wet sources;

4. Requires the Department of Environmental Protection to establish rules for dental offices to limit mercury releases;
5. Establishes a penalty in the amount of not less than \$10,000 nor more than \$100,000 for a violation; and
6. Requires the Department of Environmental Protection to conduct a septic system study concerning the impact of dental mercury releases in rural areas.

LD 692 An Act To Eradicate Invasive Aquatic Plants and Nuisance Species ONTP

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

This bill makes a one-time General Fund appropriation of \$2,000,000 in fiscal year 2007-08 to provide competitive grants to support public and private nonprofit efforts to eradicate invasive aquatic plants from the State's freshwater lakes, rivers and streams. The bill also requires that the Department of Environmental Protection administer the grants in accordance with guidelines developed by the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species. Grants may be awarded only to state and local government entities and 501(c)(3) organizations established and operating in the State.

LD 733 An Act Concerning Deductibles for Underground Oil Storage Facilities and Tanks ACCEPTED ONTP REPORT

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

This bill exempts from the conditional deductible requirement all nonconforming underground facilities and tanks that were removed prior to the enactment of the conditional deductible requirement.

Committee Amendment "A" (H-96)

This amendment, which was not adopted, is the minority report. The amendment incorporates a fiscal note.

LD 774 An Act To Coordinate the Implementation of the In-stream Flow and Water Level Rules among the Department of Environmental Protection, the Drinking Water Program of the Department of Health and Human Services and the Public Utilities Commission PUBLIC 235 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN BARTLETT	OTP-AM	H-252

This bill provides that any requirements placed on community water systems must be done in joint agreement between the Department of Environmental Protection, the drinking water program of the Department of Health

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and Human Services and the Public Utilities Commission.

Committee Amendment "A" (H-252)

This amendment replaces the bill. The amendment clarifies that the water use rules adopted by the Board of Environmental Protection are water use requirements adopted in accordance with the authority reserved to states under the federal Clean Water Act. It directs the board to incorporate into the rules a mechanism to reconcile the objective of protecting aquatic life and other uses with the objective of allowing community public water systems to use their existing water supplies to provide water service. It requires that a community water system withdrawal certificate must be reviewed and approved by the drinking water program of the Department of Health and Human Services, with technical assistance from the Public Advocate, before being issued by the Department of Environmental Protection. It also adds an emergency preamble and clause.

Enacted Law Summary

Public Law 2007, chapter 235 clarifies that the water use rules adopted by the Board of Environmental Protection are water use requirements adopted in accordance with the authority reserved to states under the federal Clean Water Act. It directs the board to incorporate into the rules a mechanism to reconcile the objective of protecting aquatic life and other uses with the objective of allowing community public water systems to use their existing water supplies to provide water service. It requires that a community water system withdrawal certificate must be reviewed and approved by the drinking water program of the Department of Health and Human Services, with technical assistance from the Public Advocate, before being issued by the Department of Environmental Protection.

Public Law 2007, chapter 235 was enacted as an emergency measure effective June 6, 2007.

LD 810 An Act To Improve Solid Waste Management

CARRIED OVER

Sponsor(s)
DUCHESNE

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the laws governing the duties and responsibilities for managing solid waste. Under current law, responsibility for managing solid waste is shared by the Department of Environmental Protection and the State Planning Office. This bill would revise those duties and responsibilities in order to eliminate redundancy, as well as to eliminate any inadvertent gaps in oversight.

LD 810 was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 848 An Act To Encourage Greater Public Input into the State Environmental Licensing Process

PUBLIC 43

Sponsor(s)
ANNIS
BARTLETT

Committee Report
OTP

Amendments Adopted

This bill provides the authority to the Department of Environmental Protection to hold a public forum at which comments will be accepted and included as part of the official record in a pending proceeding. The purpose of this bill is to fill a gap between the receipt of written comments and the holding of an adjudicatory proceeding by allowing an additional means by which the public can provide comments.

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Enacted Law Summary

Public Law 2007, chapter 43 provides the authority to the Department of Environmental Protection to hold a public meeting at which comments will be accepted and included as part of the official record in a pending proceeding.

LD 895 An Act Concerning Blasting near Residential Areas

PUBLIC 297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-169

This bill is a concept draft pursuant to Joint Rule 208. The bill, as emergency legislation, proposes to amend the current law concerning blasting and the use of explosives to break up or otherwise aid in the extraction or removal of a rock or other consolidated natural formation near residential areas. Specifically, the bill proposes to change the peak particle velocity standards in urban compact areas to protect residential housing developments from excessive continuous blasting. Further, the bill proposes to require a natural buffer between gravel pits and residential areas.

Committee Amendment "A" (S-169)

This amendment replaces the bill. The amendment does the following.

It allows the Department of Environmental Protection to charge rock crushers an annual fee for an air emissions license under a general permit.

It adds a provision to the site location law requiring all blasting to be conducted in accordance with performance standards unless otherwise approved by the department.

It amends the performance standards for gravel pits to clarify that the standards apply to any pit with a total area of 5 or more acres that is located on more than one parcel that is under a common owner or operator.

It amends the notice of intent to comply sections of the gravel pit laws and quarry laws to require that notice to abutters and municipalities be by certified mail.

It amends the performance standards of the gravel pit laws to clarify that setbacks from public drinking water sources apply to sources that exist at the time of filing a notice of intent to comply or exist prior to obtaining a permit for excavation into groundwater.

It amends the performance standards for quarries to clarify that the standards apply to any quarry with a total area of more than one acre that is located on more than one parcel that is under a common owner or operator.

It amends the performance standards of the quarry law to add a standard requiring the owner or operator to notify the department within 48 hours of a blast event if the event exceeds any of the blasting standards. The notice must include a description of the incident and its cause and the steps taken or planned to reduce, eliminate or prevent reoccurrence. Further use of explosives at the quarry may be suspended until written authorization to resume blasting is obtained from the department.

It amends the quarry law to require the owner or operator to develop and implement a plan that provides an opportunity for property owners within 1,000 feet of the blast site to receive prior notification of a scheduled

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blast. Notice may be in writing, by telephone or by publishing a public notice in a daily newspaper of general circulation in the area affected. The plan must be in writing and available to the department for inspection.

It directs the department, the Department of Public Safety and the Office of the State Fire Marshal to study methods for the regulation of individuals and companies that conduct blasting operations, including certification and requirements for best management practices and to submit a report to the Joint Standing Committee on Natural Resources.

Enacted Law Summary

Public Law 2007, chapter 297 does the following.

It allows the Department of Environmental Protection to charge rock crushers an annual fee for an air emissions license under a general permit.

It adds a provision to the site location law requiring all blasting to be conducted in accordance with performance standards unless otherwise approved by the department.

It amends the performance standards for gravel pits to clarify that the standards apply to any pit with a total area of 5 or more acres that is located on more than one parcel that is under a common owner or operator.

It amends the notice of intent to comply sections of the gravel pit laws and quarry laws to require that notice to abutters and municipalities be by certified mail.

It amends the performance standards of the gravel pit laws to clarify that setbacks from public drinking water sources apply to sources that exist at the time of filing a notice of intent to comply or exist prior to obtaining a permit for excavation into groundwater.

It amends the performance standards for quarries to clarify that the standards apply to any quarry with a total area of more than one acre that is located on more than one parcel that is under a common owner or operator.

It amends the performance standards of the quarry law to add a standard requiring the owner or operator to notify the department within 48 hours of a blast event if the event exceeds any of the blasting standards. The notice must include a description of the incident and its cause and the steps taken or planned to reduce, eliminate or prevent reoccurrence. Further use of explosives at the quarry may be suspended until written authorization to resume blasting is obtained from the department.

It amends the quarry law to require the owner or operator to develop and implement a plan that provides an opportunity for property owners within 1,000 feet of the blast site to receive prior notification of a scheduled blast. Notice may be in writing, by telephone or by publishing a public notice in a daily newspaper of general circulation in the area affected. The plan must be in writing and available to the department for inspection.

It directs the department, the Department of Public Safety and the Office of the State Fire Marshal to study methods for the regulation of individuals and companies that conduct blasting operations, including certification and requirements for best management practices and to submit a report to the Joint Standing Committee on Natural Resources.

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LD 916 An Act To Permit the Sale of Certain Used Mercury-added Products

PUBLIC 98

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-65

This bill exempts an antique barometer that is at least 100 years old from the ban on the sale of certain mercury-added products.

Committee Amendment "A" (H-65)

This amendment replaces the bill. The amendment exempts used products from the ban on the sale of mercury switches, relays, instruments and measuring devices.

Enacted Law Summary

Public Law 2007, chapter 98 exempts used products from the ban on the sale of mercury switches, relays, instruments and measuring devices.

LD 935 An Act To Continue To Ensure the Long-term Capacity of Municipal Landfills

PUBLIC 338

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKAS	OTP-AM	H-411

Public Law 2005, chapter 612 amended the Maine Hazardous Waste, Septage and Solid Waste Management Act to exempt, until January 1, 2007, publicly owned solid waste landfills from the definition of "commercial solid waste disposal facility" as long as that facility accepted only waste that is generated within the State. This bill continues the exemption retroactive to January 1, 2007.

Committee Amendment "A" (H-411)

This amendment changes the provisions in the bill that define "commercial solid waste disposal facility" by providing that:

1. A municipally owned landfill is a commercial landfill if it accepts waste that is not generated within the State unless the commissioner finds that the acceptance of that waste provides a substantial public benefit and the acceptance of that waste is approved by a majority of the voters of the municipality; and
2. Other publicly owned landfills, owned by public waste disposal corporations and refuse disposal districts, are commercial landfills if they accept waste that is not generated within the State unless the commissioner finds that the acceptance of that waste provides a substantial public benefit.

The amendment does not make any changes to the definition of commercial landfill relating to state-owned landfills.

Under the amendment, "waste that is generated within the State" includes: residue and bypass generated by incineration, processing and recycling facilities within the State; waste whether generated within the State or outside of the State used for daily cover, frost protection or stability; and waste generated within 30 miles of the facility.

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The amendment adds a new standard to be applied when the Commissioner of Environmental Protection makes a public benefit determination relating to the acceptance of waste that is not generated within the State.

Enacted Law Summary

Public Law 2007, chapter 338 provides that:

1. A municipally owned landfill is a commercial landfill if it accepts waste that is not generated within the State unless the commissioner finds that the acceptance of that waste provides a substantial public benefit and the acceptance of that waste is approved by a majority of the voters of the municipality; and
2. Other publicly owned landfills, owned by public waste disposal corporations and refuse disposal districts, are commercial landfills if they accept waste that is not generated within the State unless the commissioner finds that the acceptance of that waste provides a substantial public benefit.

Chapter 338 does not make any changes to the definition of commercial landfill relating to state-owned landfills.

Under chapter 338, "waste that is generated within the State" includes: residue and bypass generated by incineration, processing and recycling facilities within the State; waste whether generated within the State or outside of the State used for daily cover, frost protection or stability; and waste generated within 30 miles of the facility.

Chapter 338 also adds a new standard to be applied when the Commissioner of Environmental Protection makes a public benefit determination relating to the acceptance of waste at certain classes of facilities when that waste is not generated within the State.

**LD 968 **Resolve, Regarding Legislative Review of Portions of Chapter 587:
In-stream Flow and Lake and Pond Water Levels, a Major Substantive
Rule of the Department of Environmental Protection****

**RESOLVE 63
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-253

This resolve provides for legislative review of portions of Chapter 587: In-stream Flow and Water Level Standards, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-253)

This amendment authorizes final adoption of portions of Chapter 587: In-stream Flows and Lake and Pond Water Levels, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule.

Enacted Law Summary

Resolve 2007, chapter 63 authorizes final adoption of portions of Chapter 587: In-stream Flows and Lake and Pond Water Levels, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule.

Resolve 2007, chapter 63 was finally passed as an emergency measure effective June 6, 2007.

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**LD 1014 An Act To Ensure Reasonable and Equitable Land Use Opportunities
near Shorebird, Wading Bird and Waterfowl Habitat**

ONTP

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

This bill provides that the Department of Environmental Protection may not establish building setbacks that are in excess of 75 feet from shorebird feeding and staging areas; 150 feet from shorebird roosting areas; or 100 feet from inland wading bird and waterfowl areas. The bill exempts from department rules existing building lots and activities of clambers and worm diggers.

**LD 1089 An Act To Create the Maine Natural Resource and Environment
Efficiency Commission BY REQUEST**

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to create the Maine Natural Resource and Environment Efficiency Commission, referred to in this concept draft as "the commission," to methodically review the structure and operations of all state natural resources and environmental agencies and propose specific reforms to eliminate duplication and inefficiency. The specific elements of the commission are as follows.

1. The commission consists of 12 bipartisan members appointed jointly by the Governor and the leaders of the parties of each House of the Legislature with the largest number of members in each House and the second-largest number of members in each House. The members must be from the general public, be respected and known for their independent-mindedness and have expertise in natural resources, environmental policy, planning, administration, economics and engineering.
2. The goal of the commission is to ensure coordinated and unified natural resources conservation and environmental protection policies to support sustainable prosperity and quality locations in the State.
3. The commission is empowered to: A. Hire top-quality expert staff to conduct and subcontract sophisticated program analysis, manage information flows and prepare reports; B. Investigate and identify sources of administrative inefficiencies, program overlap and inefficiencies in the delivery of services; C. Develop a coherent set of reforms to streamline, reconfigure and improve the performance of state natural resource and environmental agencies and programs to yield about \$2,000,000 to \$6,000,000 a year in budget savings; and D. Develop criteria for evaluating state natural resources and environmental agencies with the assistance of the Office of Program Evaluation and Government Accountability, including criteria for administrative efficiency, program quality and effectiveness, potential overlap within and between state natural resource and environmental agencies and other state or local agencies or programs and overall cost-benefit concerns.
4. The commission would receive an appropriation of \$425,000 with which to hire staff and carry out its purposes.
5. Savings from the implementation of commission recommendations must be apportioned, with 75% going to reduce property taxes and 25% going to the acquisition of lands for the protection and preservation of biological diversity and rare, unique or endangered species.

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LD 1090 An Act To Authorize the State's Participation in the Regional Greenhouse Gas Initiative

ONTP

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

This bill authorizes the State's participation in the Regional Greenhouse Gas Initiative. It establishes a carbon dioxide cap and trade program and establishes annual budgets for emissions of carbon associated with the electric power sector in the State.

LD 1108 An Act To Change the Calculation of the Municipal Rate of Growth Ordinance Limit

PUBLIC 155

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	OTP-AM	S-90

This bill provides that the building permit limit in the Town of York is calculated by using the number of permits issued to the general public and not including the number of permits issued pursuant to certain exemptions to the residential growth ordinance of the Town of York.

Committee Amendment "A" (S-90)

This amendment replaces the bill. The amendment provides that the building permit limit is calculated by excluding permits issued for affordable housing and also differs from the bill in that it applies to all towns in the State.

Enacted Law Summary

Public Law 2007, chapter 155 provides that the building permit limit in any town's rate of growth ordinance is calculated by excluding permits issued for affordable housing.

LD 1168 An Act To Amend New Motor Vehicle Laws Regarding Emission Standards

ONTP

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

This bill prohibits a person from registering a new motor vehicle unless the person proves to the Secretary of State that the motor vehicle is a California-emission certified vehicle. The bill includes registration denial as an enforcement mechanism to prevent a resident from purchasing outside the State a motor vehicle that does not comply with the low-emission vehicle program described in the Maine Revised Statutes, Title 38, section 585-D and registering that motor vehicle in Maine.

LD 1196 An Act To Protect Host Communities' Sovereign Rights

ONTP

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

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This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact measures designed to protect the rights of communities that are the geographic sites of solid waste disposal or incineration facilities.

LD 1200 An Act To Authorize the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving Contracts with the Department

PUBLIC 300

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-170

This bill requires the Commissioner of Environmental Protection to debar from state contracts for 2 years any person that commits a repeat violation of environmental laws.

Committee Amendment "A" (S-170)

This amendment replaces the bill. The amendment authorizes the Commissioner of Environmental Protection to debar from department contracts, rather than State contracts generally, as in the bill, for 2 years any person that commits a repeat violation of environmental laws.

Enacted Law Summary

Public Law 2007, chapter 300 authorizes the Commissioner of Environmental Protection to debar from department contracts for 2 years any person that commits a repeat violation of environmental laws.

LD 1204 Resolve, To Impose a Moratorium on the Acceptance or Processing of an Application To Increase or Revise Licensing of New or Existing Incineration Facilities

ONTP

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

This resolve imposes a moratorium on the acceptance or processing of applications for new incinerator facilities and on increasing the capacity or amending the license of an existing incinerator facility.

LD 1219 Resolve, To Study Flood Control and Water Storage

RESOLVE 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-135

This bill adds flood control to the list of suitable designated uses for Class GPA waters.

Committee Amendment "A" (S-135)

The amendment changes the bill to a resolve. The amendment directs the Department of Environmental Protection and the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to undertake a study for the purpose of identifying ways to reduce the threat of flooding in the State. In conducting the study, the agencies are directed to invite the participation of interested stakeholders. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008 and the committee is authorized to submit legislation related to the report to the Second Regular

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Session of the 123rd Legislature. The amendment also directs the Maine Emergency Management Agency to review and submit a report on the criteria and procedures by which dams and flood control structures modify water levels in emergency circumstances and the procedures for notifying downstream properties of those water level modifications. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008.

Enacted Law Summary

Resolve 2007, chapter 80 directs the Department of Environmental Protection and the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to undertake a study for the purpose of identifying ways to reduce the threat of flooding in the State. In conducting the study, the agencies are directed to invite the participation of interested stakeholders. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008 and the committee is authorized to submit legislation related to the report to the Second Regular Session of the 123rd Legislature. Chapter 80 also directs the Maine Emergency Management Agency to review and submit a report on the criteria and procedures by which dams and flood control structures modify water levels in emergency circumstances and the procedures for notifying downstream properties of those water level modifications. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008.

**LD 1234 Resolve, Directing the Department of Environmental Protection and the
Public Utilities Commission To Develop a Program That Supports the
Recycling of Fluorescent Lamps**

RESOLVE 25

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKAS	OTP-AM	H-97

This bill amends the definition of "mercury-added product" to include light bulbs containing mercury. Under current law, a retailer may not knowingly sell in this State a mercury-added product unless the item is labeled to clearly inform the purchaser or consumer that mercury is present in the item and that the item may not be disposed of or placed in a waste stream destined for disposal until the mercury is removed and reused, recycled or otherwise managed to ensure that it does not become part of solid waste or wastewater.

Committee Amendment "A" (H-97)

The amendment changes the bill to a resolve. The amendment requires the Department of Environmental Protection and the Public Utilities Commission to develop a program to support and expand the recycling of fluorescent lamps in the State, with a focus on household recycling. It requires the agencies to report on the program to the Joint Standing Committee on Natural Resources by January 1, 2008 and it authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 25 requires the Department of Environmental Protection and the Public Utilities Commission to develop a program to support and expand the recycling of fluorescent lamps in the State, with a focus on household recycling. It requires the agencies to report on the program to the Joint Standing Committee on Natural Resources by January 1, 2008 and it authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

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LD 1270 Resolve, To Clarify the Definition of Smart Growth

ONTP

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

This resolve requires the Executive Department, State Planning Office to adopt rules that define smart growth to include the reuse and rehabilitation of existing buildings.

**LD 1274 An Act To Allow the Discharge of Aquatic Pesticides Approved by the
Department of Environmental Protection for the Control of
Mosquito-borne Diseases in the Interest of Public Health and Safety**

PUBLIC 291

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE	OTP-AM	H-302

This bill adds an exception to the prohibition against issuance of a waste discharge license for the direct discharge of pollutants to waters having a drainage area of less than 10 square miles and for the discharge of pollutants to Class AA waters, Class GPA waters and Class SA waters. The new exception is for discharges of aquatic pesticides approved by the Department of Environmental Protection for the control of mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of nontarget species.

The bill allows the department to find that discharge of effluent to Class A waters will be equal to or better than the existing water quality of the receiving waters, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

This bill allows the department to find that discharged effluent to Class B waters will not cause adverse impact to aquatic life, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

This bill allows the department to find that discharged effluent to Class SB waters will not cause adverse impact to estuarine and marine life, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

Committee Amendment "A" (H-302)

This amendment requires the Department of Environmental Protection to notify a municipality in which the application of aquatic pesticides is licensed to occur and to post the notice on the department's website when the department issues a license for an authorized application for the control of mosquito-borne diseases.

Enacted Law Summary

Public Law 2007, chapter 291 adds an exception to the prohibition against issuance of a waste discharge license for the direct discharge of pollutants to waters having a drainage area of less than 10 square miles and for the discharge of pollutants to Class AA waters, Class GPA waters and Class SA waters. The new exception is for discharges of aquatic pesticides approved by the Department of Environmental Protection for the control of

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mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of nontarget species.

It allows the department to find that discharge of effluent to Class A waters will be equal to or better than the existing water quality of the receiving waters, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

It allows the department to find that discharged effluent to Class B waters will not cause adverse impact to aquatic life, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

It allows the department to find that discharged effluent to Class SB waters will not cause adverse impact to estuarine and marine life, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

It requires the Department of Environmental Protection to notify a municipality in which the application of aquatic pesticides is licensed to occur and to post the notice on the department's website when the department issues a license for an authorized application for the control of mosquito-borne diseases.

LD 1297 **Resolve, Regarding Measures To Ensure the Continued Health and Commercial Viability of Maine's Seacoast by Establishing Nutrient Criteria for Coastal Waters**

RESOLVE 49

Sponsor(s)

ADAMS

Committee Report

OTP-AM

Amendments Adopted

H-219

This resolve directs the Department of Environmental Protection to establish nutrient standards for coastal waters by January 31, 2008 to reduce marine pollution. It also directs the department to first focus on Casco Bay and then the rest of the State's coastal waters and to consult with affected entities in developing the standards. The department shall report its findings to the Joint Standing Committee on Natural Resources, which is authorized to submit legislation to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-219)

This amendment replaces the resolve. The amendment removes the requirement in the resolve for the Department of Environmental Protection to develop nutrient standards for coastal waters and instead directs the Department of Environmental Protection to establish the process for setting nutrient criteria for coastal waters by January 31, 2008 to reduce marine pollution. The amendment removes language regarding the role of nutrient pollution as a source of pollution, removes language directing the department to work to implement standards for the rest of the State's waters once standards are established for Casco Bay and directs the department to include in its report any necessary implementing legislation.

Enacted Law Summary

Resolve 2007, chapter 49 directs the Department of Environmental Protection to initiate the development of water quality criteria for nutrients in state coastal waters. It directs the department to initiate a series of discussions with wastewater treatment facilities and interested organizations to solicit input and gather information. The department shall initially focus on the waters of Casco Bay. Finally, chapter 49 directs the department to report its findings to

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the Joint Standing Committee on Natural Resources, which is authorized to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 1311 An Act To Fight Global Warming Effects in the State

ONTP

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

This bill does the following to fight global warming effects in the State:

1. It requires the Department of Environmental Protection to report biennially on emissions and emissions reduction in the State and it directs the department to apply for a federal waiver to enact its draft rules concerning new motor vehicle emission standards.
2. It requires code enforcement officers to attend any training sessions about energy efficiency that are created by the United States Department of Energy, Office of Energy Efficiency and Renewable Energy.
3. It requires the Public Utilities Commission to adopt rules establishing minimum efficiency standards for sale and installation of appliances not covered under federal standards.
4. It requires the Department of Transportation and the Department of Environmental Protection to examine and evaluate the carbon dioxide and greenhouse gas emissions in the State for incorporation into decision-making alternatives.

LD 1313 An Act To Amend the Solid Waste Management Laws

PUBLIC 192

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-96

This bill modifies Maine's solid waste management laws as follows.

1. It adds a state policy to encourage waste reduction measures and maximize waste diversion by encouraging new and expanded uses of solid waste as a resource.
2. It establishes the Solid Waste Management Advisory Council to meet annually, replacing a task force that meets every 5 years.
3. It changes the Executive Department, State Planning Office's solid waste capacity and recycling report from a biannual to an annual report.
4. It changes the disposal capacity threshold by which the State Planning Office is required to submit a recommendation on the construction and operation of a state-owned solid waste disposal facility to the Legislature from 4 years to 6 years.

Committee Amendment "A" (S-96)

This amendment clarifies that waste reduction measures from all sources should be promoted. It clarifies that the Solid Waste Management Advisory Council created by the bill is established to advise and assist the Executive

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Department, State Planning Office as may be appropriate. It makes the Director of the State Planning Office and the Commissioner of Environmental Protection, or their designees, nonvoting members of the advisory council.

Enacted Law Summary

Public Law 2007, chapter 192 modifies Maine's solid waste management laws as follows.

1. It adds a state policy to encourage waste reduction measures and maximize waste diversion by encouraging new and expanded uses of solid waste as a resource.
2. It establishes the Solid Waste Management Advisory Council to advise and assist the State Planning Office as may be appropriate, replacing a task force that meets every 5 years.
3. It changes the Executive Department, State Planning Office's solid waste capacity and recycling report from a biannual to an annual report.
4. It changes the disposal capacity threshold by which the State Planning Office is required to submit a recommendation on the construction and operation of a state-owned solid waste disposal facility to the Legislature from 4 years to 6 years.

LD 1319 An Act Relating to Previously Approved Small Coastal Subdivisions

ONTP

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

This bill allows, without a natural resources protection permit and subject to specified setback requirements, construction of a single-family dwelling and accessory structures on a lot in a subdivision adjacent to a waterfowl, wading bird or shorebird feeding area as long as the subdivision has fewer than 10 lots and was approved prior to June 8, 2006.

LD 1353 Resolve, To Provide a Comprehensive Assessment of Progress Made To Eliminate Combined Sewer Overflow into the State's Waterways

ONTP

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

This bill directs the Governor to appoint an independent expert panel to draft a report assessing the status of efforts to eliminate combined sewer overflow in the State.

LD 1359 An Act To Ensure the Availability of Existing Drinking Water Sources of Supply

ONTP

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

This bill directs the Board of Environmental Protection to incorporate into its water use standards a mechanism to reconcile the objectives of protecting aquatic life and of allowing existing water supplies to provide water service.

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LD 1392 An Act To Update the Dioxin Monitoring Program

CARRIED OVER

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

This bill repeals the laws governing the current dioxin monitoring program, which under current law are scheduled to sunset on December 31, 2007. The bill changes the laws governing the surface water ambient toxic monitoring program to include the relevant portions of the laws governing the dioxin monitoring program. Certain provisions of the dioxin monitoring program are continued in order to determine the status of fish consumption advisories on Maine rivers, streams and lakes. The bill provides that the Commissioner of Environmental Protection shall notify the owners or operators of selected facilities proposed for dioxin monitoring of each facility's inclusion in the commissioner's plan for monitoring pollutants.

LD 1392 was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 1417 An Act To Assist in the Cleanup of Waste Motor Oil Disposal Sites

ONTP

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

This bill creates a stream of revenue to retire the costs of investigation and remediation at the Portland-Bangor Waste Oil Services Sites in Plymouth, Ellsworth and Casco where waste motor oil was stored and that are now contaminated. The Finance Authority of Maine is authorized to issue revenue obligation securities in amounts sufficient to cover a large percentage of the clean-up costs. These revenue obligation securities are to be retired with funds derived from a premium on motor oil. The premium is imposed at the wholesale level.

The State and instrumentalities of the State, including the Department of Transportation, the Department of Public Safety and counties and municipalities, are eligible to participate in the waste motor oil disposal site remediation program. The revenue obligation securities will also cover the shares of those businesses that maintained or repaired motor vehicles between 1953 and 1981 or their successors in interest, and that had waste motor oil deposited at one or more of the 3 sites. Any business that operated a fleet of 25 or more vehicles for which it performed its own maintenance and repairs and that contributed waste motor oil to one or more of the 3 sites is eligible for participation in the program. The United States Government and its instrumentalities are not eligible to participate in the program.

The bill creates the Waste Motor Oil Revenue Board to oversee the process and make determinations as to eligibility for participation in the program.

NOTE: See Committee Bill - LD 1929.

LD 1430 An Act To Compensate Property Owners for Property Designated as a Significant Wildlife Habitat

ONTP

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

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This bill requires the State to compensate a person that owns land designated as a significant wildlife habitat with an annual rent in an amount equal to the fair market value of the loss of use of the land.

LD 1431 An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility

PUBLIC 406

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO HOBBINS	OTP-AM	H-493

This bill requires solid waste disposal facilities and incineration facilities to have in place host community agreements and directs the Commissioner of Environmental Protection to establish a mediation process to hear and review disputes concerning host community agreements.

Committee Amendment "A" (H-493)

This amendment replaces the bill. The amendment expands on the provisions of the bill that deal with host community agreements.

1. It changes the definition of "host community."
2. It prohibits the Department of Environmental Protection from issuing a license unless a host community agreement is in place.
3. It requires commercial and publicly owned solid waste disposal facilities, including municipal and state-owned facilities, to have in place host community agreements during the development and operation and through closure of the facility.
4. If the host community and the facility cannot agree on the terms of agreement, this amendment requires the parties to submit to mediation and to arbitration if mediation is not successful.
5. It adds a provision requiring consideration of case-specific issues in connection with host community benefits for state-owned facilities.
6. It adds a mandate preamble.

Enacted Law Summary

Public Law 2007, chapter 406 accomplishes the following relating to host community agreements.

1. It defines "host community."
2. It prohibits the Department of Environmental Protection from issuing a license for a solid waste disposal facility unless a host community agreement is in place.
3. It requires commercial and publicly owned solid waste disposal facilities, including municipal and state-owned facilities, to have in place host community agreements during the development and operation and through closure of the facility.
4. If the host community and the facility cannot agree on the terms of agreement, it requires the parties to submit to mediation and to arbitration if mediation is not successful.

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5. It requires consideration of case-specific issues in connection with host community benefits for state-owned facilities.

Chapter 406 was enacted with a mandate preamble.

LD 1477 An Act Concerning the Natural Resources Protection Laws and Related Provisions

**PUBLIC 290
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-388 S-224 RAYE

This bill:

1. Clarifies the definition of "permanent structure" for the natural resources protection laws;
2. Amends the section concerning identification by maps to be consistent with previous amendments to the definition of "significant wildlife habitat" in the natural resources protection laws by qualifying the mapping requirement through a reference to the Maine Revised Statutes, Title 38, section 480-B, subsection 10, paragraphs A and B. It also removes out-of-date language concerning jurisdiction and mapping requirements that applied to wetlands of 10 acres or more when section 480-B was amended in 1995;
3. Repeals the exemption for alteration of freshwater wetlands associated with the construction, operation, maintenance or repair of an interstate pipeline;
4. Amends an applicability section to be consistent with previous amendments to the definition of "significant wildlife habitat";
5. Amends Title 38, section 490-D, subsection 1 of the borrow pit law to provide that the Department of Environmental Protection may allow excavation in a significant wildlife habitat provided a permit is obtained pursuant to the protection of natural resources laws;
6. Amends Title 38, section 490-Z, subsection 1 of the quarry law to provide that the Department of Environmental Protection may allow excavation in a significant wildlife habitat provided a permit is obtained pursuant to the protection of natural resources laws;
7. Enacts a section providing supplemental provisions concerning shorebird feeding, staging and roosting areas. It includes supplemental definitions and permitting standards for cutting within roosting buffers and feeding buffers that apply in addition to otherwise applicable standards under the protection of natural resources laws;
8. Enacts a section to allow the Department of Inland Fisheries and Wildlife to determine that an area is not a significant wildlife habitat due to the impact of development in existence on June 8, 2006 and continuing in existence on the date of the determination, although the area otherwise conforms with significant wildlife criteria adopted by the Department of Environmental Protection for shorebird nesting, feeding and staging areas or high and moderate value inland waterfowl and wading bird habitat. Certain factors and requirements are specified;
9. Amends Resolve 2005, chapter 183, which approved amendments to chapter 335, Significant Wildlife Habitat, a major substantive rule of the Department of Environmental Protection, to clarify that an activity in, on, over or adjacent to a significant vernal pool habitat or potential significant vernal pool habitat is eligible for

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permit by rule if certain habitat standards are met by adding a citation to the regulatory standards;

10. Provides that changes to the Maine Revised Statutes, Title 38, sections 480-CC and 480-DD and changes to Resolve 2005, chapter 183 are applicable as of June 8, 2006. The bill also provides that changes to the Department of Environmental Protection's rules on significant wildlife habitat that are adopted pursuant to this legislation as well as additional corrections, clarifications and minor changes of the significant wildlife habitat rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The bill also provides that the Department of Environmental Protection's rules concerning permit by rule must be amended to allow certain specified activities to be authorized under permit by rules if applicable standards are met. The Department of Environmental Protection's rules on permit by rule and amendments to those rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A and

11. Provides the short title for the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 5-A of "the Natural Resources Protection Act."

Committee Amendment "A" (H-388)

This amendment clarifies that a person lawfully harvesting marine organisms or vegetation is not required to obtain a permit under the natural resources protection laws to engage in those activities in a coastal wetland containing a high or moderate value wading bird habitat or shorebird feeding or staging area.

It removes from the bill the provision that repeals the exemption for alteration of freshwater wetlands associated with the construction, operation, maintenance or repair of an interstate pipeline.

It changes the definition of "shorebird feeding area" that is in the bill to include a 100-foot-wide surrounding buffer.

It removes from the bill supplemental cutting standards for shorebird feeding buffers.

It allows the Department of Inland Fisheries and Wildlife to determine that an area is not a significant wildlife habitat due to the topography in existence on June 8, 2006.

It clarifies that upland areas that abut open water on great ponds and are more than 250 feet from freshwater wetlands are not regulated under the natural resources protection laws.

It requires the Department of Environmental Protection to notify municipalities and members of the Legislature who represent residents of those municipalities if a shorebird nesting, feeding or staging area, a significant vernal pool habitat or a high or moderate value waterfowl and wading bird habitat is identified by the Department of Inland Fisheries and Wildlife after the effective date of the bill.

It requires the Department of Environmental Protection to amend its rules to clarify that significant wildlife habitat that is not fully contained within a freshwater wetland is not subject to the department's adjacency jurisdiction under the Maine Revised Statutes, Title 38, section 480-C.

It requires the Department of Environmental Protection to develop a proposal for mitigation and compensation standards for tidal and freshwater significant wildlife habitat.

Senate Amendment "A" (S-224)

The amendment clarifies that the cutting standards applied within 100 feet of a shorebird feeding area are those that are used within 75 feet of a coastal wetland under shoreland zoning.

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The amendment also makes 2 changes to the proposed exemption for lawful harvesting. It clarifies that the exemption applies to waterfowl as well as wading bird habitat and that the removal of vegetation or displacement of soil associated with lawful harvesting activities is not a violation of the natural resources protection laws.

Enacted Law Summary

Public Law 2007, chapter 290:

1. Provides the short title for the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 5-A of "the Natural Resources Protection Act."
2. Clarifies the definition of "permanent structure" for the natural resources protection laws;
3. Amends the section concerning identification by maps to be consistent with previous amendments to the definition of "significant wildlife habitat" in the natural resources protection laws by qualifying the mapping requirement through a reference to the Maine Revised Statutes, Title 38, section 480-B, subsection 10, paragraphs A and B. It also removes out-of-date language concerning jurisdiction and mapping requirements that applied to wetlands of 10 acres or more when section 480-B was amended in 1995;
4. Amends an applicability section to be consistent with previous amendments to the definition of "significant wildlife habitat";
5. Amends Title 38, section 490-D, subsection 1 of the borrow pit law to provide that the Department of Environmental Protection may allow excavation in a significant wildlife habitat provided a permit is obtained pursuant to the protection of natural resources laws;
6. Amends Title 38, section 490-Z, subsection 1 of the quarry law to provide that the Department of Environmental Protection may allow excavation in a significant wildlife habitat provided a permit is obtained pursuant to the protection of natural resources laws;
7. Clarifies that a person lawfully harvesting marine organisms or vegetation is not required to obtain a permit under the natural resources protection laws to engage in those activities in a coastal wetland containing a high or moderate value waterfowl or wading bird habitat or shorebird feeding or staging area. It also clarifies that the removal of vegetation or displacement of soil associated with lawful harvesting activities is not a violation of the natural resources protection laws;
8. Enacts a section providing supplemental provisions concerning shorebird feeding, staging and roosting areas. It includes supplemental definitions and permitting standards for cutting within roosting buffers and feeding buffers that apply in addition to otherwise applicable standards under the protection of natural resources laws;
9. Enacts a section to allow the Department of Inland Fisheries and Wildlife to determine that an area is not a significant wildlife habitat due to the topography or impact of development in existence on June 8, 2006 and continuing in existence on the date of the determination, although the area otherwise conforms with significant wildlife criteria adopted by the Department of Environmental Protection for shorebird nesting, feeding and staging areas or high and moderate value inland waterfowl and wading bird habitat. Certain factors and requirements are specified;
10. Clarifies that upland areas that abut open water on great ponds and are more than 250 feet from freshwater wetlands are not regulated under the natural resources protection laws;
11. Requires the Department of Environmental Protection to notify municipalities and members of the Legislature who represent residents of those municipalities if a shorebird nesting, feeding or staging area, a significant vernal

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pool habitat or a high or moderate value waterfowl and wading bird habitat is identified by the Department of Inland Fisheries and Wildlife after the effective date of chapter 290;

12. Amends Resolve 2005, chapter 183, which approved amendments to chapter 335, Significant Wildlife Habitat, a major substantive rule of the Department of Environmental Protection, to clarify that an activity in, on, over or adjacent to a significant vernal pool habitat or potential significant vernal pool habitat is eligible for permit by rule if certain habitat standards are met by adding a citation to the regulatory standards;

13. Provides that changes to the Maine Revised Statutes, Title 38, sections 480-CC and 480-DD and changes to Resolve 2005, chapter 183 are applicable as of June 8, 2006. It also provides that changes to the Department of Environmental Protection's rules on significant wildlife habitat that are adopted pursuant to this legislation as well as additional corrections, clarifications and minor changes of the significant wildlife habitat rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. It also provides that the Department of Environmental Protection's rules concerning permit by rule must be amended to allow certain specified activities to be authorized under permit by rules if applicable standards are met. The Department of Environmental Protection's rules on permit by rule and amendments to those rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

14. Requires the Department of Environmental Protection to amend its rules to clarify that significant wildlife habitat that is not fully contained within a freshwater wetland is not subject to the department's adjacency jurisdiction under the Maine Revised Statutes, Title 38, section 480-C; and

15. Requires the Department of Environmental Protection to develop a proposal for mitigation and compensation standards for tidal and freshwater significant wildlife habitat.

Public Law 2007, chapter 290 was enacted as an emergency measure effective June 14, 2007.

LD 1488 An Act To Reduce Contamination in the Home from the Release of Brominated Flame Retardants

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

This bill further restricts the sale of products containing a class of chemical flame retardants known as polybrominated diphenyl ethers. The bill exempts products made from recycled material and certain replacement parts from the restrictions. The bill changes the reporting requirement on brominated flame retardants from annually to every 2 years. The bill authorizes the Department of Environmental Protection to require a manufacturer to provide a certificate of compliance if there are grounds to suspect that a product is being offered for sale in violation of the law.

LD 1500 An Act To Allow the Department of Environmental Protection To Charge Interest for Late Payment of Fees

PUBLIC 187

Sponsor(s)

Committee Report

Amendments Adopted

MARTIN

OTP

The bill requires the Department of Environmental Protection to charge interest at a rate of 15% per annum and authorizes the department to pursue enforcement, including suspension or revocation of a license, for the failure of a licensee to pay licensing fees by the due date.

Enacted Law Summary

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Public Law 2007, chapter 187 requires the Department of Environmental Protection to charge interest at a rate of 15% per annum and authorizes the department to pursue enforcement, including suspension or revocation of a license, for the failure of a licensee to pay licensing fees by the due date.

LD 1508 An Act To Protect the Scenic Value of the Kennebec River

**PUBLIC 364
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	H-422 KOFFMAN S-147

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact measures designed to protect the scenic value of the Kennebec River. In order to accomplish this, the Department of Environmental Protection is directed to:

1. Require greater buffer zones with natural vegetation on the riverbank;
2. Take measures to protect the integrity of the river; and
3. Restore and remediate the existing gravel pits along the river.

Committee Amendment "A" (S-147)

This amendment replaces the bill. Under current law, the Kennebec River from Bay Point in Georgetown to the Father Curran Bridge in Augusta is designated as an outstanding river segment. The amendment would continue the designation from Bay Point in Georgetown to the confluence of the Kennebec River with the Sebasticook River in Winslow as an outstanding river segment. It also directs the Department of Environmental Protection to review the setback and buffer standards for excavations and quarries, including how setbacks and buffers for areas of steep slopes are addressed, and report to the Joint Standing Committee on Natural Resources by January 15, 2008. It also authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

House Amendment "A" (H-422)

This amendment adds an emergency preamble and emergency clause. The amendment requires that a 100-foot-wide natural buffer be maintained between the working edge of an excavation for borrow, clay, topsoil or silt and the normal high water line of a segment of the Kennebec River identified in the Maine Revised Statutes, Title 12, section 403, subsection 7.

The amendment also requires that a 100-foot-wide natural buffer be maintained between the working edge of a quarry excavation and the normal high water line of a segment of the Kennebec River identified in Title 12, section 403, subsection 7.

Enacted Law Summary

Public Law 2007, chapter 364 designates the Kennebec River from Bay Point in Georgetown to the confluence of the Kennebec River with the Sebasticook River in Winslow as an outstanding river segment. It requires that a 100-foot-wide natural buffer be maintained between the working edge of an excavation for borrow, clay, topsoil or silt and the normal high water line of a segment of the Kennebec River identified in the Maine Revised Statutes, Title 12, section 403, subsection 7. It also requires that a 100-foot-wide natural buffer be maintained between the working edge of a quarry excavation and the normal high water line of a segment of the Kennebec River identified in Title 12, section 403, subsection 7. Chapter 364 also directs the Department of Environmental Protection to review the setback and buffer standards for excavations and quarries, including

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how setbacks and buffers for areas of steep slopes are addressed, and report to the Joint Standing Committee on Natural Resources by January 15, 2008. It also authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

Public law 2007, chapter 364 was enacted as an emergency measure effective June 20, 2007.

LD 1551 An Act To Establish a Seasonal Ban on the Operation of Outdoor Wood Boilers **ONTP**

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

This bill defines "outdoor wood boiler" and prohibits the operation of an outdoor wood boiler between April 1st and November 1st.

LD 1596 Resolve, Directing the Department of Environmental Protection To Study Construction and Demolition Debris Recycling **ONTP**

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

This resolve directs the Department of Environmental Protection to study and report its findings on the subject of construction and demolition debris that can be removed at a recycling facility to the Joint Standing Committee on Natural Resources, and it authorizes the committee to submit legislation to set minimum standards for waste reduction and resource recovery.

LD 1658 An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home **PUBLIC 296**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM MAJ ONTP MIN	H-231

This bill amends current law restricting the manufacture, sale and distribution in this State of products containing certain brominated flame retardants. The bill accomplishes the following.

1. It defines "brominated flame retardant."
2. It prohibits, beginning January 1, 2008, the manufacture, sale or distribution of mattresses or mattress pads or upholstered furniture intended for indoor residential use if they have plastic fibers that contain the "deca" mixture.
3. It prohibits, beginning January 1, 2010, the manufacture, sale or distribution of televisions and computers that have a plastic housing that contains the "deca" mixture.
4. It exempts from the "deca" restrictions transportation vehicles or products or parts, products or equipment used in industrial or manufacturing processes, and electronic wiring and cable used for power transmission.
5. It requires manufacturers to notify sellers of the manufacturer's product of the law, beginning January 1, 2008.
6. It requires the Department of Environmental Protection to develop a program to assist retailers in identifying

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products that might contain PBDEs.

7. Beginning January 1, 2010, it requires manufacturers of products that contain any brominated flame retardant to provide written notice to DEP. If the notice is not provided, the product may not be offered for sale in Maine.

8. It authorizes the department to participate in a regional, multistate clearinghouse to assist in carrying out any activities related to the administration of the proposed law.

9. It amends the review and reporting requirements of the Department of Environmental Protection and the Maine CDC. It requires DEP and the Maine CDC to review hazard and risk assessments in connection with brominated flame retardants; assessments of alternatives; and findings and rulings of the USEPA and the European Union. It requires DEP to report to the Natural Resources Committee every 2 years beginning in 2008.

10. It exempts used products.

Committee Amendment "A" (H-231)

This amendment is the majority report of the Joint Standing Committee on Natural Resources. The amendment:

1. Removes the use notification provision in the bill;
2. Authorizes the Commissioner of Environmental Protection to require a manufacturer to provide a certificate of compliance if there are grounds to suspect that a product is being offered for sale in violation of the law;
3. Makes a grammatical correction;
4. Changes the date a report is due from the department from 2008 to 2009; and
5. Authorizes the Commissioner of Environmental Protection to prohibit the manufacture, sale or distribution of mattresses or mattress pads, upholstered furniture intended for indoor use in a residence and televisions or computers that contain a flame retardant if the commissioner determines, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, that the prohibition is necessary to protect the public health and the environment and that a safer alternative to the flame retardant is nationally available and the State Fire Marshal determines that the alternative meets applicable fire safety standards.

Enacted Law Summary

Public Law 2007, chapter 296 amends current law restricting the manufacture, sale and distribution in this State of products containing certain brominated flame retardants. Chapter 296 accomplishes the following.

1. It defines "brominated flame retardant."
2. It prohibits, beginning January 1, 2008, the manufacture, sale or distribution of mattresses or mattress pads or upholstered furniture intended for indoor residential use if they have plastic fibers that contain the "deca" mixture.
3. It prohibits, beginning January 1, 2010, the manufacture, sale or distribution of televisions and computers that have a plastic housing that contains the "deca" mixture.
4. It exempts from the "deca" restrictions transportation vehicles or products or parts, products or equipment used in industrial or manufacturing processes, and electronic wiring and cable used for power transmission.
5. It requires manufacturers to notify sellers of the manufacturer's product of the law, beginning January 1, 2008.

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- 6. It requires the Department of Environmental Protection to develop a program to assist retailers in identifying products that might contain PBDEs.
- 7. It authorizes the department to participate in a regional, multistate clearinghouse to assist in carrying out any activities related to the administration of the proposed law.
- 8. It amends the review and reporting requirements of the Department of Environmental Protection and the Maine CDC. It requires DEP and the Maine CDC to review hazard and risk assessments in connection with brominated flame retardants; assessments of alternatives; and findings and rulings of the USEPA and the European Union. It requires DEP to report to the Natural Resources Committee every 2 years beginning in 2008.
- 9. It exempts used products.
- 10. It authorizes the Commissioner of Environmental Protection to require a manufacturer to provide a certificate of compliance if there are grounds to suspect that a product is being offered for sale in violation of the law.
- 11. It authorizes the Commissioner of Environmental Protection to prohibit the manufacture, sale or distribution of mattresses or mattress pads, upholstered furniture intended for indoor use in a residence and televisions or computers that contain a flame retardant if the commissioner determines, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, that the prohibition is necessary to protect the public health and the environment and that a safer alternative to the flame retardant is nationally available and the State Fire Marshal determines that the alternative meets applicable fire safety standards.

LD 1685 Resolve, To Develop a Comprehensive Water Use Plan for Maine

ONTP

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

This resolve directs the Land and Water Resources Council to convene the Comprehensive Water Use Plan Steering Committee and to enter into a contract with a consultant selected by the steering committee to develop a comprehensive water use plan. The resolve designates the membership of the committee and the duties that the consultant is required to undertake. The Maine Geological Survey is directed to provide staff assistance to the steering committee and is designated as the lead agency of the steering committee. The Land and Water Resources Council is directed to submit a final report to the Joint Standing Committee on Natural Resources by January 15, 2009. The report must include the consultant's recommended comprehensive water use plan and any draft legislation necessary to implement the plan.

LD 1717 An Act To Promote Recycling of Cellular Telephones

PUBLIC 343

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABBIDGE	OTP-AM	H-418

This bill requires a retail establishment that sells cellular telephones to accept used cellular telephones for reuse, recycling or proper disposal. The bill also requires retail establishments to report by January 1, 2008 to the Department of Environmental Protection with the reuse, recycling and disposal system they have implemented.

Committee Amendment "A" (H-418)

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This amendment replaces the bill. The amendment deletes the provisions in the bill that require retailers to have a specified system in place for the collection of used cellular telephones and replaces those provisions with a provision requiring retailers to accept used cellular telephones from any person beginning January 1, 2008. It also deletes from the bill the provision making it unlawful for retailers who do not comply with the law to sell cell phones in the State.

The amendment prohibits the disposal of cellular telephones in solid waste disposal facilities. It requires service providers to report to the Department of Environmental Protection the number of cellular telephones collected and how the collected phones were disposed of, reused or recycled. It also requires the Department of Environmental Protection to report on the collection program to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

Enacted Law Summary

Public Law 2007, chapter 343 requires retailers to accept used cellular telephones from any person beginning January 1, 2008. It requires service providers to report to the Department of Environmental Protection the number of cellular telephones collected and how the collected phones were disposed of, reused or recycled. It requires the Department of Environmental Protection to report on the collection program to the joint standing committee of the Legislature having jurisdiction over natural resources matters. It prohibits the disposal of cellular telephones in solid waste disposal facilities.

LD 1743 An Act Concerning the Sustainable Use of and Planning for Water Resources

PUBLIC 399

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-273

This bill provides for the creation of the Freshwater Resource Board to protect Maine groundwater, to protect the rights of all persons who own homes, farms and businesses over the groundwater and to protect the surface water that benefits from groundwater and the plants and wildlife that benefit. The bill provides for the continuation of water removal by water bottling interests when the removal of water does not threaten these goals. The bulk water transport permitting process is amended to make clear that transport for bottling is permitted. The bill transfers the authority to issue bulk water transport permits from the Commissioner of Health and Human Services to the Freshwater Resource Board and to also convey the power to set fees to carry out this law from the commissioner to the board.

Committee Amendment "A" (S-273)

The amendment replaces the bill. The amendment requires the Land and Water Resources Council to convene the Water Resources Planning Committee and describes requirements related to membership, meetings and reporting. It details a list of areas on which to focus effort. It also requires the committee to conduct an annual review of state policy in regard to certain topics, provide guidance to municipalities and develop and disseminate educational materials.

It requires an applicant for or a holder of a permit from the Department of Environmental Protection or the Department of Conservation who retains an environmental professional for the purpose of providing information to either agency to disclose if the environmental professional has a financial interest in the applicant, in the permit holder or in the property or activity that is the subject of the permit.

It adds to the list of exceptions in the bulk water transport laws so that water withdrawn pursuant to a permit issued by the Department of Environmental Protection or the Maine Land Use Regulation Commission does not

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require transport authorization pursuant to the bulk water transport laws.

It repeals the legislative findings section of the bulk water transport laws.

It repeals 2 standards in the bulk water transport laws.

It amends the fee provisions of the Department of Environmental Protection to provide processing and licensing fee ceilings for a permit for a significant groundwater well and a permit for an activity within a community public water supply primary protection area.

It makes the following changes to the natural resources protection laws:

1. It adds a definition of "significant groundwater well";
2. It amends the prohibition provisions to provide that a person may not establish or operate a significant groundwater well without first obtaining a permit from the Department of Environmental Protection; and
3. It adds an additional standard applicable to significant groundwater wells.

It provides transition language for persons who are required to obtain a permit for a significant groundwater well but already are authorized to transport bulk water pursuant to the bulk water transport laws on the effective date of this Act.

It requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to amend their rules to require that a public information meeting be held prior to submission of an application for a significant groundwater well. The public information meeting must be in conformance with requirements for public information meetings contained in the Department of Environmental Protection's rules concerning the processing of applications and other administrative matters. These rules are routine technical rules.

It requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to periodically contract with independent environmental professionals to provide a technical review and assessment of monitoring information. It also requires each department to undertake rulemaking to develop a fee structure to provide funding for those contracts.

Enacted Law Summary

Public Law 2007, chapter 399 requires the Land and Water Resources Council to convene the Water Resources Planning Committee and describes requirements related to membership, meetings and reporting. It details a list of areas on which to focus effort. It also requires the committee to conduct an annual review of state policy in regard to certain topics, provide guidance to municipalities and develop and disseminate educational materials.

It requires an applicant for or a holder of a permit from the Department of Environmental Protection or the Department of Conservation who retains an environmental professional for the purpose of providing information to either agency to disclose if the environmental professional has a financial interest in the applicant, in the permit holder or in the property or activity that is the subject of the permit.

It adds to the list of exceptions in the bulk water transport laws so that water withdrawn pursuant to a permit issued by the Department of Environmental Protection or the Maine Land Use Regulation Commission does not require transport authorization pursuant to the bulk water transport laws.

It repeals the legislative findings section of the bulk water transport laws.

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It repeals 2 standards in the bulk water transport laws.

It amends the fee provisions of the Department of Environmental Protection to provide processing and licensing fee ceilings for a permit for a significant groundwater well and a permit for an activity within a community public water supply primary protection area.

It makes the following changes to the natural resources protection laws:

1. It adds a definition of "significant groundwater well";
2. It amends the prohibition provisions to provide that a person may not establish or operate a significant groundwater well without first obtaining a permit from the Department of Environmental Protection; and
3. It adds an additional standard applicable to significant groundwater wells.

It provides transition language for persons who are required to obtain a permit for a significant groundwater well but already are authorized to transport bulk water pursuant to the bulk water transport laws on the effective date of this Act.

It requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to amend their rules to require that a public information meeting be held prior to submission of an application for a significant groundwater well. The public information meeting must be in conformance with requirements for public information meetings contained in the Department of Environmental Protection's rules concerning the processing of applications and other administrative matters. These rules are routine technical rules.

It requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to periodically contract with independent environmental professionals to provide a technical review and assessment of monitoring information. It also requires each department to undertake rulemaking to develop a fee structure to provide funding for those contracts.

**LD 1778 An Act To Amend Certain Laws Administered by the Department of
Environmental Protection**

PUBLIC 292

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-144

This bill:

1. Amends the law governing certification of underground oil storage tank installers by the Board of Underground Oil Storage Tank Installers. The amendments eliminate the current distinction between Class I and Class II installers and eliminate the requirement to complete 6 tank installations as a condition of certification. In lieu of the latter requirement, candidates for certification must demonstrate field experience in accordance with rules to be adopted by the board;
2. Amends the definition of "Code of Federal Regulations" to include those regulations effective on or before July 1, 2007;
3. Amends the definition of "Federal Water Pollution Control Act" to include amendments effective on or before July 1, 2007;

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4. Amends the transfer provision in the waste discharge laws to provide that application for transfer of a license must be made no later than 2 weeks after the transfer of ownership or interest in the source of the discharge is completed;
5. Adds a rescission provision to the stormwater management laws;
6. Amends the Fish River provision in the significant rivers list of the mandatory shoreland zoning laws to update a location description that refers to a bridge that has been removed;
7. Amends the volume standard in the timber harvesting standard of the mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;
8. Amends the volume standard in the clearing of vegetation standard of the mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;
9. Amends the bacteria standard for Class GPA waters in the water classification program to include *Escherichia coli* bacteria of domestic animal origin, consistent with other recent changes to bacteria standards in this program;
10. Amends the Fish River provision in the list of outstanding river segments in the natural resources protection laws to update a location description that refers to a bridge that has been removed;
11. Amends the Piscataquis River provision in the list of outstanding river segments in the natural resources protection laws to change the name of Little Squaw Township to Moosehead Junction Township;
12. Amends the exemption in the natural resources protection laws for cutting or clearing subject to mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;
13. Reduces the number of members on the Oil Spill Advisory Committee from 14 to 9;
14. Eliminates reference to 2 completed reporting requirements on the availability of insurance for oil storage tanks, while preserving the requirement to prepare an annual report on the adequacy of the Ground Water Oil Clean-up Fund;
15. Provides for the biennial report on hazardous waste handling prepared by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 1319-Q to be filed directly with the Legislature by November 1st. The bill also eliminates the need for the report to include recommendations for legislative action to develop and establish needed hazardous waste facilities. The current law provides for the report to be filed first with the Board of Environmental Protection for the purpose of making recommendations regarding the need for additional hazardous waste capacity. The board's responsibility to assess capacity needs was eliminated with the repeal of Title 38, section 1319-Q, subsection 3 in 1993;
16. Clarifies the law governing recycling of electronic waste by defining the term "consolidator" and amending the definitions of "consolidation facility" and "manufacturer;"
17. Requires the Department of Environmental Protection to submit the annual report on the removal of mercury switches from automobiles to the joint standing committee of the Legislature having jurisdiction over natural resources matters. Under current law, the report is submitted to the Mercury Products Advisory

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Committee, which ceased to exist as of August 1, 2006 by operation of law;

18. Adds language that removes any ambiguity that might be read into the State's environmental protection laws regarding the Department of Environmental Protection and Attorney General's shared responsibility for enforcement; and

19. Adds language that removes any ambiguity that might be read into the Department of Environmental Protection fee setting authority regarding the amount subject to increase when an application is submitted after its due date.

Committee Amendment "A" (S-144)

This amendment amends the exemption in the site location of development laws and natural resources protection laws to include aquaculture activities regulated by the Department of Marine Resources under the Maine Revised Statutes, Title 12, section 6072-A, 6072-B or 6072-C. The amendment also extends the date by which the Department of Environmental Protection shall report on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil and authorizes the Joint Standing Committee on Natural Resources to submit legislation dealing with the fees for the transport and disposal of hazardous waste to the 123rd Legislature by February 15, 2008. The amendment also makes a technical change to the bill.

Enacted Law Summary

Public Law 2007, chapter 292:

1. Amends the law governing certification of underground oil storage tank installers by the Board of Underground Oil Storage Tank Installers. The amendments eliminate the current distinction between Class I and Class II installers and eliminate the requirement to complete 6 tank installations as a condition of certification. In lieu of the latter requirement, candidates for certification must demonstrate field experience in accordance with rules to be adopted by the board;
2. Amends the definition of "Code of Federal Regulations" to include those regulations effective on or before July 1, 2007;
3. Amends the definition of "Federal Water Pollution Control Act" to include amendments effective on or before July 1, 2007;
4. Amends the transfer provision in the waste discharge laws to provide that application for transfer of a license must be made no later than 2 weeks after the transfer of ownership or interest in the source of the discharge is completed;
5. Adds a rescission provision to the stormwater management laws;
6. Amends the Fish River provision in the significant rivers list of the mandatory shoreland zoning laws to update a location description that refers to a bridge that has been removed;
7. Amends the volume standard in the timber harvesting standard of the mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;
8. Amends the volume standard in the clearing of vegetation standard of the mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;
9. Amends the bacteria standard for Class GPA waters in the water classification program to include

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Escherichia coli bacteria of domestic animal origin, consistent with other recent changes to bacteria standards in this program;

10. Amends the Fish River provision in the list of outstanding river segments in the natural resources protection laws to update a location description that refers to a bridge that has been removed;

11. Amends the Piscataquis River provision in the list of outstanding river segments in the natural resources protection laws to change the name of Little Squaw Township to Moosehead Junction Township;

12. Amends the exemption in the natural resources protection laws for cutting or clearing subject to mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;

13. Reduces the number of members on the Oil Spill Advisory Committee from 14 to 9;

14. Eliminates reference to 2 completed reporting requirements on the availability of insurance for oil storage tanks, while preserving the requirement to prepare an annual report on the adequacy of the Ground Water Oil Clean-up Fund;

15. Provides for the biennial report on hazardous waste handling prepared by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 1319-Q to be filed directly with the Legislature by November 1st. It also eliminates the need for the report to include recommendations for legislative action to develop and establish needed hazardous waste facilities;

16. Clarifies the law governing recycling of electronic waste by defining the term "consolidator" and amending the definitions of "consolidation facility" and "manufacturer;"

17. Requires the Department of Environmental Protection to submit the annual report on the removal of mercury switches from automobiles to the joint standing committee of the Legislature having jurisdiction over natural resources matters;

18. Adds language that removes any ambiguity that might be read into the State's environmental protection laws regarding the Department of Environmental Protection and Attorney General's shared responsibility for enforcement;

19. Adds language that removes any ambiguity that might be read into the Department of Environmental Protection fee setting authority regarding the amount subject to increase when an application is submitted after its due date;

20. Amends the exemption in the site location of development laws and natural resources protection laws to include aquaculture activities regulated by the Department of Marine Resources under the Maine Revised Statutes, Title 12, section 6072-A, 6072-B or 6072-C; and

21. Extends the date by which the Department of Environmental Protection shall report on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil and authorizes the Joint Standing Committee on Natural Resources to submit legislation dealing with the fees for the transport and disposal of hazardous waste to the 123rd Legislature by February 15, 2008.

Joint Standing Committee on Natural Resources

LD 1803 An Act To Clarify Comprehensive Planning and Land Use Ordinances

PUBLIC 247

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-300

This bill makes the following changes to the laws governing growth management. It:

1. Clarifies that the portion of a rate of growth, zoning or impact fee ordinance not directly related to an inconsistency identified during a comprehensive plan review by the State Planning Office remains in effect after the inconsistency is identified;
2. Excludes certain ordinances from the definition of "zoning ordinance" thereby allowing towns to adopt those ordinances without having a consistent comprehensive plan;
3. Requires a comprehensive plan's implementation strategy and timetable to guide periodic review and revision of the comprehensive plan;
4. Exempts towns with no village or densely settled area and towns that identify as its growth area a growth area identified in another town's comprehensive plan from having to designate a growth area; and
5. Revises the review process for comprehensive plans.

Committee Amendment "A" (H-300)

This amendment adds a provision that clarifies that portions of rate of growth, zoning or impact fee ordinances not directly related to an inconsistency identified by a court remain in effect. It clarifies that cluster development ordinances and design ordinances that apply townwide are not included in the definition of "zoning ordinance." It removes the requirement in the bill that implementation strategies must guide revision of a comprehensive plan. It requires a finding of inconsistency made by the Executive Department, State Planning Office to identify sections of the growth management laws and rules that are not adequately addressed in the comprehensive plan and to make recommendations for resolving the inconsistency.

Enacted Law Summary

Public Law 2007, chapter 247 makes the following changes to the laws governing growth management. It:

1. Clarifies that the portion of a rate of growth, zoning or impact fee ordinance not directly related to an inconsistency identified by a court or during a comprehensive plan review by the State Planning Office remains in effect after the inconsistency is identified;
2. Excludes certain ordinances from the definition of "zoning ordinance" thereby allowing towns to adopt those ordinances without having a consistent comprehensive plan;
3. Requires a comprehensive plan's implementation strategy and timetable to guide periodic review of the comprehensive plan;
4. Exempts a town with no village or densely settled area and a town that identifies as its growth area a growth area identified in another town's comprehensive plan from having to designate a growth area; and
5. Revises the review process for comprehensive plans.

Joint Standing Committee on Natural Resources

LD 1824 An Act To Regulate Outdoor Wood Boilers

**PUBLIC 442
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY BENOIT	OTP-AM	H-494

This bill defines "outdoor wood boiler." It permits the Commissioner of Environmental Protection to adopt a moratorium on the sale of high-emissions outdoor wood boilers until the department establishes rules regulating the sale, installation and use of outdoor wood boilers and directs the department to review the rules every 3 years and revise them if necessary. The bill also restricts the use of outdoor wood boilers manufactured prior to October 1, 2007 unless they meet the standards and rules adopted by the department. It directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention in consultation with the Department of Environmental Protection to develop guidelines to determine whether an outdoor wood boiler is causing a public health nuisance.

Committee Amendment "A" (H-494)

This amendment changes the title and adds an emergency preamble and clause to the bill. It removes from the bill the moratorium provisions with regard to wood boilers. It sets emission standards for the sale of outdoor wood boilers and prohibits the operation of outdoor wood boilers in a manner that creates a nuisance condition as defined in rules of the Department of Environmental Protection. It directs the Department of Environmental Protection to adopt emergency major substantive rules for the regulation of outdoor wood boilers including provisions relating to siting, operation and labeling requirements, stack heights, dealer and manufacturer reporting, public notification of emission standards and operation and siting requirements, code enforcement officer training, nuisance conditions and existing inventory issues. The rules must provide for enforcement of the rules by the Department of Environmental Protection. The amendment directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on achievable emission standards for outdoor wood boilers and on the status of the resolution of complaints regarding outdoor wood boilers.

Enacted Law Summary

Public Law 2007, chapter 442 sets emission standards for the sale of outdoor wood boilers and prohibits the operation of outdoor wood boilers in a manner that creates a nuisance condition as defined in rules of the Department of Environmental Protection. It directs the Department of Environmental Protection to adopt emergency major substantive rules for the regulation of outdoor wood boilers including provisions relating to siting, operation and labeling requirements, stack heights, dealer and manufacturer reporting, public notification of emission standards and operation and siting requirements, code enforcement officer training, nuisance conditions and existing inventory issues. The rules must provide for enforcement of the rules by the Department of Environmental Protection. It directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on achievable emission standards for outdoor wood boilers and on the status of the resolution of complaints regarding outdoor wood boilers.

Public Law 2007, chapter 442 was enacted as emergency measure effective June 27, 2007.

LD 1825 An Act To Amend the Groundwater Oil Clean-up Fund BY REQUEST

ONTP

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

Joint Standing Committee on Natural Resources

This bill exempts from the conditional deductible requirement all nonconforming underground facilities and tanks that were removed prior to the enactment of the conditional deductible requirement.

**LD 1830 **Resolve, Regarding Legislative Review of Portions of Chapter 872:
Exemptions from the Ban on Sale of Mercury-added Switches, Relays
and Measuring Devices, a Major Substantive Rule of the Department of
Environmental Protection****

**RESOLVE 64
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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This resolve provides for legislative review of portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2007, chapter 64 provides for legislative review of portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a major substantive rule of the Department of Environmental Protection.

Resolve 2007, chapter 64 was finally passed as an emergency measure effective June 6, 2007.

**LD 1845 **An Act To Strengthen the Laws Concerning Surface Water Ambient
Toxic Monitoring****

PUBLIC 445

<u>Sponsor(s)</u> PERCY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-254
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This bill strengthens the surface water ambient toxic monitoring program as it relates to inland and coastal waters by:

1. Altering the membership of the technical advisory group to include a second nonvoting legislative member by adding a Legislator who serves on the joint standing committee of the Legislature having jurisdiction over marine resources matters;
2. Requiring submission of the annual report on the monitoring program to the joint standing committee of the Legislature having jurisdiction over marine resources matters; and
3. Directing the Commissioner of Environmental Protection and the Commissioner of Marine Resources to make a report to the relevant joint standing committees by January 4, 2008 identifying a reliable and consistent source of funding for the program.

Committee Amendment "A" (H-254)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 445 amends the surface water ambient toxic monitoring program as it relates to inland and coastal waters by:

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1. Altering the membership of the technical advisory group to include a second nonvoting legislative member by adding a Legislator who serves on the joint standing committee of the Legislature having jurisdiction over marine resources matters;
2. Requiring submission of the annual report on the monitoring program to the joint standing committee of the Legislature having jurisdiction over marine resources matters; and
3. Directing the Commissioner of Environmental Protection and the Commissioner of Marine Resources to make a report to the relevant joint standing committees by January 4, 2008 identifying a reliable and consistent source of funding for the program

LD 1851 An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM MAJ OTP-AM MIN	H-321 H-380 BLISS

This bill establishes a statewide carbon dioxide cap-and-trade program for fossil fuel fired electrical generating units within the State that have a nameplate capacity equal to or greater than 25 megawatts and requires the Department of Environmental Protection to develop carbon dioxide cap-and-trade rules. The bill also authorizes the Department of Environmental Protection to adopt major substantive rules regarding combined heat and power incentives and the Public Utilities Commission to adopt major substantive rules regarding the establishment and administration of the Maine Energy Conservation Board. The bill also authorizes the sale of carbon dioxide emissions allowances for the benefit of consumers and the creation of the Energy and Carbon Savings Trust.

Committee Amendment "A" (H-321)

This amendment makes the following changes to the bill.

1. It amends the provision of the bill regarding additional assessments on transmission and distribution utilities to fund efficiency programming to require that prior to making such assessments the Public Utilities Commission shall consider: the amount and timing of the existing assessments to fund conservation programs; the funding for conservation programs through the Energy and Carbon Savings Trust; forward capacity market payments; and other predictable sources of funding for or investment in energy conservation and efficiency programs. It also specifies that any such assessments may not be charged until the Legislature has approved the commission's budget and requires that the commission identify these assessments in its presentation of its budget recommendations in any current services budget legislation or supplemental budget legislation. It specifies that these additional assessments must be paid on the same schedule that payment of assessments to the commission is required for the current conservation program assessment.
2. It amends the provisions of the bill regarding the Maine Energy Conservation Board in several ways. It changes the composition of the board as follows: it removes 3 trustees of the Energy and Carbon Savings Trust from the board as voting members, while retaining one trustee on the board as a nonvoting member; and it adds as voting members a representative of small business, the Commissioner of Environmental Protection or the commissioner's designee and the director of the Governor's Office of Energy Independence and Security or the director's designee. The amendment removes the Public Utilities Commission's responsibility for staffing the board and authorizes the board to contract for technical expertise and administrative services.
3. It amends the provision in the bill regarding the energy efficiency and conservation plan. It specifies that the plan must be a triennial plan developed jointly by the Public Utilities Commission and the trustees of the

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Energy and Carbon Savings Trust with input from the Maine Energy Conservation Board. It requires that the commission and the trustees consult the board in development of the plan and authorizes the board to submit recommended changes to the plan to the commission and the trustees for review. It requires the board to vote on the plan and make a full report of its vote to the commission and the trustees. It specifies that with respect to the commission's conservation programs, the first triennial plan must address programs implemented on or after July 1, 2010.

4. It amends the provisions of the bill governing the Energy and Carbon Savings Trust to provide an effective date of October 1, 2008; to remove the Public Utilities Commission's responsibility for the management, administration, staffing and rulemaking of the trust and other trust-related responsibilities, while retaining the provision that requires the commission to appoint the 3 trustees; to specify that legal action in the name of the trust is to be taken by the trustees; and to provide initial funding for the trust through a temporary transfer of funds from the conservation program fund to the trust to be repaid when the trust receives revenue as a result of the regional greenhouse gas initiative.

5. It amends the circumstances under which the Commissioner of Environmental Protection may grant a waiver of enforcement for violations of the carbon dioxide cap-and-trade program. The bill authorizes the commissioner to grant waivers if the regional greenhouse gas initiative auction results in price levels that are expected to be excessive, or that are excessive and will result, or that are expected to result, in immediate and irreparable harm. The amendment authorizes the commissioner to grant a temporary waiver of enforcement, not to exceed one year, if the regional greenhouse gas initiative results in price levels for allowances that will result in immediate and irreparable harm.

6. It amends the provisions regarding combined heat and power units. The bill requires the Department of Environmental Protection to set aside a portion of the emissions allowances for carbon dioxide budget units that are combined heat and power units located at integrated manufacturing facilities. The amendment clarifies that the department is required to use the allowances for emissions related to electricity and thermal power generated at a unit that is a combined heat and power unit and to clarify that a combined heat and power unit may be a combined cycle system or other energy generation configuration. It also clarifies language authorizing department rules to distinguish between combined heat and power units that commence operation after July 1, 2007 and those that commence operation before July 1, 2007.

7. It amends the provision regarding the submittal of an annual report by the Department of Environmental Protection and the Energy and Carbon Savings Trust by clarifying that the joint standing committees of the Legislature having jurisdiction over natural resources matters and utilities and energy matters may individually submit legislation relating to areas within each committee's jurisdiction.

8. It adds a provision to the bill that directs the Office of the Public Advocate to study the feasibility of integrating the programmatic and organizational responsibilities and functions with respect to energy efficiency and conservation within the Public Utilities Commission and the Energy and Carbon Savings Trust and consider the responsibilities of the Maine Energy Conservation Board in relation to the commission and the trust. The Office of the Public Advocate is required to submit a report by January 15, 2008 to the Joint Standing Committee on Utilities and Energy, and the committee may submit legislation on this issue to the Second Regular Session of the 123rd Legislature.

9. It adds an appropriations and allocations section to the bill.

House Amendment "A" (H-380)

This amendment changes the establishment date of the Energy and Carbon Savings Trust and the Energy and

Joint Standing Committee on Natural Resources

Carbon Savings Trust Fund from October 1, 2008 to July 1, 2008 and makes the same date change to the authorization to transfer funds.

This amendment also requires the Office of the Public Advocate, in its study of integrating and combining responsibilities for energy efficiency functions into a single entity, to identify and report on options and the timing of integration.

Enacted Law Summary

Public Law 2007, chapter 317 establishes a statewide carbon dioxide cap-and-trade program for fossil fuel fired electrical generating units within the State that have a nameplate capacity equal to or greater than 25 megawatts of electrical output. The cap-and-trade program is contingent on initiation of comparable programs in other states that are participating in the northeast regional greenhouse gas initiative. Chapter 317 requires the Department of Environmental Protection to develop carbon dioxide rules to implement the cap-and-trade program. Chapter 317 also:

1. Amends the laws governing the Public Utilities Commission's Efficiency Maine program, including a provision for an additional assessment on transmission and distribution utilities to fund efficiency programming;
2. Establishes the Energy and Carbon Savings Trust and the Energy and Carbon Savings Trust Fund, consisting of revenue from the sale of carbon dioxide offset allowances, to support the goals and implementation of the carbon dioxide cap-and-trade program; and
3. Establishes the Maine Energy Conservation Board to assist the Public Utilities Commission and the trustees of the Energy and Carbon Savings Trust in the development, coordination and integration of planning for the State's energy conservation efforts and to provide advice and counsel to the commission and the Energy and Carbon Savings Trust on energy conservation and carbon dioxide reduction matters.

LD 1887 An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth

**PUBLIC 220
EMERGENCY**

Sponsor(s)

MARTIN

Committee Report

OTP

Amendments Adopted

This bill amends the Plymouth Waste Oil Loan Program and authorizes the Finance Authority of Maine to loan money in the Waste Oil Clean-up Fund to eligible responsible parties to pay their share of oversight costs of the United States and the State, remedial action costs and costs related to any de minimis settlement offered by the United States Environmental Protection Agency under federal law.

Enacted Law Summary

Public Law 2007, chapter 220 amends the Plymouth Waste Oil Loan Program and authorizes the Finance Authority of Maine to loan money in the Waste Oil Clean-up Fund to eligible responsible parties to pay their share of oversight costs of the United States and the State, remedial action costs and costs related to any de minimis settlement offered by the United States Environmental Protection Agency under federal law.

Public Law 2007, chapter 220 was enacted as an emergency measure effective June 4, 2007.

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**LD 1888 An Act To Implement Recommendations of the Drinking Water
Program Regarding Public Water Supply Protection**

PUBLIC 353

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-263

This bill implements recommendations of the drinking water program of the Department of Health and Human Services in connection with a report required pursuant to Resolve 2005, chapter 140. The bill accomplishes the following.

1. It amends the acquisition criteria for the Executive Department, Land for Maine's Future Board. It requires the board to consider whether the site provides public water supply protection.
2. It requires state agencies to consider the negative impact of the agency's actions on public water supplies, evaluate alternatives to minimize the impact and conduct mitigation of any unavoidable impact.
3. It allows the safe drinking water revolving loan fund to be used by a public water system to acquire protective interests in land.
4. It defines "community public water system" and "community public water system primary protection area."
5. It adds community public water system primary protection areas to the definition of "protected natural resource."
6. It adds language to the standards imposed under the laws governing natural resources protection to require that an applicant for a project in a community public water system primary protection area has to meet only the soil erosion and water quality standards contained in those laws.
7. It requires the applicant to notify the drinking water program of the Department of Health and Human Services and the community public water system if the resource subject to alteration or the underlying groundwater is used by a community public water system.
8. It authorizes the Commissioner of Environmental Protection to, under certain circumstances, delegate to the drinking water program of the Department of Health and Human Services or to a community public water system the authority to determine whether an activity that is located within a community public water system primary protection area meets the erosion and water quality standards.
9. It exempts community public water systems from the laws governing natural resources protection permitting requirements for activities within their community public water system primary protection areas.
10. It requires the Department of Environmental Protection to adopt rules to specify requirements for an activity located in a community public water system primary protection area.
11. It directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by January 15, 2008 concerning the status of the rulemaking.

Committee Amendment "A" (S-263)

This amendment deletes the requirement in the bill that requires state agencies to conduct mitigation of unavoidable impacts the agency's actions have on a public water supply. It clarifies that the Commissioner of Environmental

Joint Standing Committee on Natural Resources

Protection may delegate review authority to the drinking water program of the Department of Health and Human Services or to a community public water system. It adds an exemption to the laws regarding the protection of natural resources for transportation reconstruction or replacement projects within a community public water system primary protection area. It clarifies that the Department of Environmental Protection may address mitigation in rules concerning community public water system primary protection areas, but may not include compensation as a method of mitigation. It designates rules specifying requirements for activities located in a community public water system primary protection area as major substantive rules. It requires the Department of Environmental Protection to provide notice of the rulemaking to municipalities in which community public water system primary protection areas are located.

Enacted Law Summary

Public Law 2007, chapter 353 implements recommendations of the drinking water program of the Department of Health and Human Services in connection with a report required pursuant to Resolve 2005, chapter 140. Chapter 353 accomplishes the following.

1. It amends the acquisition criteria for the Executive Department, Land for Maine's Future Board. It requires the board to consider whether the site provides public water supply protection.
2. It requires state agencies to consider the negative impact of the agency's actions on public water supplies and to evaluate alternatives to avoid and minimize the impact.
3. It allows the safe drinking water revolving loan fund to be used by a public water system to acquire protective interests in land.
4. It defines "community public water system" and "community public water system primary protection area."
5. It adds community public water system primary protection areas to the definition of "protected natural resource."
6. It adds language to the standards imposed under the laws governing natural resources protection to require that an applicant for a project in a community public water system primary protection area has to meet only the soil erosion and water quality standards contained in those laws.
7. It requires the applicant to notify the drinking water program of the Department of Health and Human Services and the community public water system if the resource subject to alteration or the underlying groundwater is used by a community public water system.
8. It authorizes the Commissioner of Environmental Protection to, under certain circumstances, delegate review authority to the drinking water program of the Department of Health and Human Services or to a community public water system to determine whether an activity that is located within a community public water system primary protection area meets the erosion and water quality standards.
9. It adds an exemption to the laws regarding the protection of natural resources for transportation reconstruction or replacement projects within a community public water system primary protection area.
10. It exempts community public water systems from the laws governing natural resources protection permitting requirements for activities within their community public water system primary protection areas.
11. It requires the Department of Environmental Protection to adopt major substantive rules to specify requirements for an activity located in a community public water system primary protection area. The department is required to provide notice of the rulemaking to municipalities in which community public water system primary protection areas are located.

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12. It directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by January 15, 2008 concerning the status of the rulemaking.

**LD 1903 An Act To Implement the Recommendations of the Working Group
Studying Mold in Buildings**

PUBLIC 355

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-514

This bill implements recommendations of the working group created pursuant to Resolve 2005, chapter 174 to study mold in buildings. Specifically, the bill:

1. Requires home construction contracts to contain the training received and certifications held by project supervisors;
2. Requires disclosure of the potential for conflict of interest if mold assessment and remediation services are provided by the same person or company;
3. Adds mandatory moisture control provisions to the Maine Model Building Code and the Maine model building energy code;
4. Establishes a mandatory mediation program for mold or excess moisture disputes between tenants and landlords;
5. Authorizes local health officers to evaluate complaints made by tenants concerning issues with mold or excess moisture;
6. Directs the Maine Center for Disease Control and Prevention to review and recommend guidelines and standards regarding assessment and remediation of mold; and
7. Establishes one position in the Department of the Attorney General, Consumer Protection Division to support investigations of complaints related to substandard construction, renovation and mold assessment and remediation practices. It also establishes one position in the Department of Health and Human Services, Maine Center for Disease Control and Prevention to support the reviewing and recommending of guidelines and standards in connection with mold in buildings in the State and to provide education and response to public concerns regarding mold.

Committee Amendment "A" (H-514)

This amendment strikes all of the provisions from the bill except for the requirement for disclosure of the potential for conflict of interest if mold assessment and remediation services are provided by the same person or company. It also adds a requirement directing the Department of Health and Human Services, Maine Center for Disease Control and Prevention to submit a report to the joint standing committees of the Legislature having jurisdiction over natural resources matters, legal and veterans affairs and judiciary matters on activities and reviews undertaken by the department in connection with issues relating to mold and excess moisture in buildings.

Enacted Law Summary

Public Law 2007, chapter 355 requires disclosure of the potential for conflict of interest if mold assessment and remediation services are provided by the same person or company. It also requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to submit a report to the joint standing committees of the Legislature having jurisdiction over natural resources matters, legal and veterans affairs and

Joint Standing Committee on Natural Resources

judiciary matters on activities and reviews undertaken by the department in connection with issues relating to mold and excess moisture in buildings.

LD 1908 An Act To Implement Recommendations of the Blue Ribbon Commission on Solid Waste Management

PUBLIC 414

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-238

This bill implements recommendations of the Blue Ribbon Commission on Solid Waste Management.

It amends the provisions relating to a public benefit determination by requiring state-owned disposal facilities to provide a substantial public benefit and by authorizing the Department of Environmental Protection to revise a public benefit determination if a change in the underlying facts or circumstances upon which the determination was based has occurred or is proposed.

It prohibits state-owned solid waste disposal facilities from accepting waste that is not generated within the State.

It requires the Department of Environmental Protection to submit recommendations on the sources of revenue from construction and demolition debris recycling and incineration that are sufficient to fund ambient air quality monitoring and landfill oversight. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008, and the committee is authorized to submit legislation relating to the recommendations to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (S-238)

This amendment replaces the bill. The amendment exempts from the provisions of the bill relating to public benefit determinations those solid waste disposal facilities that are owned by the State and currently in operation or to an expansion of those facilities. It defines "waste generated within the State" and "bypass."

It clarifies the reporting requirement in the bill to require the Department of Environmental Protection to submit a report on funding options for the State's solid waste management program, including recommendations concerning potential sources of revenue from fees relating to construction and demolition debris to fund monitoring and compliance activities.

Enacted Law Summary

Public Law 2007, chapter 414 requires a solid waste disposal facility owned by the State, other than a facility that is currently in operation or to an expansion of that facility, to provide a substantial public benefit. It authorizes the Department of Environmental Protection to revise a public benefit determination if a change in the underlying facts or circumstances upon which the determination was based has occurred or is proposed. It prohibits state-owned solid waste disposal facilities from accepting waste that is not waste generated within the State. It defines "waste generated within the State" and "bypass."

Chapter 414 also requires the Department of Environmental Protection to submit a report on funding options for the State's solid waste management program, including recommendations concerning potential sources of revenue from fees relating to construction and demolition debris to fund monitoring and compliance activities.

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LD 1929 An Act To Assist in the Cleanup of Waste Motor Oil Disposal Sites

PUBLIC 464

Sponsor(s)

Committee Report

Amendments Adopted

S-378 ROTUNDO

This bill creates a stream of revenue to retire the costs of investigation and remediation at the Portland-Bangor Waste Oil Services Sites in Plymouth, Ellsworth, Casco and Presque Isle. The Finance Authority of Maine is authorized to issue revenue obligation securities in amounts sufficient to cover the clean-up costs. These revenue obligation securities are to be retired with funds derived from a premium on motor vehicle oil changes. The premium is imposed at the retail level.

Parties that contributed waste motor oil to one of the 4 sites and who have been designated as responsible parties, including the State, instrumentalities of the State and counties and municipalities, are eligible to participate in the waste motor oil disposal site remediation program. The United States Government and its instrumentalities are not eligible to participate in the program.

Senate Amendment "A" (S-378)

This amendment includes a provision to transfer the first \$11,000 received by the Waste Motor Oil Revenue Fund within the Finance Authority of Maine to the General Fund no later than June 30, 2008.

Enacted Law Summary

Public Law 2007, chapter 464 creates a stream of revenue to retire the costs of investigation and remediation at the Portland-Bangor Waste Oil Services Sites in Plymouth, Ellsworth, Casco and Presque Isle. The Finance Authority of Maine is authorized to issue revenue obligation securities in amounts sufficient to cover the clean-up costs. These revenue obligation securities are to be retired with funds derived from a premium on motor vehicle oil changes. The premium is imposed at the retail level.

Parties that contributed waste motor oil to one of the 4 sites and who have been designated as responsible parties, including the State, instrumentalities of the State and counties and municipalities, are eligible to participate in the waste motor oil disposal site remediation program. The United States Government and its instrumentalities are not eligible to participate in the program.

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SUBJECT INDEX

Air Quality - Climate Change

Enacted

LD 1851 An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007 PUBLIC 317

Not Enacted

LD 107 Resolve, To Address State Leadership in Climate Engineering ONTP

LD 1090 An Act To Authorize the State's Participation in the Regional Greenhouse Gas Initiative ONTP

LD 1311 An Act To Fight Global Warming Effects in the State ONTP

Air Quality - Haze

Enacted

LD 443 An Act To Require the Department of Environmental Protection To Meet the Federal Requirements on Regional Haze Visibility Impairment PUBLIC 95

Air Quality - Outdoor Wood Boilers

Enacted

LD 1824 An Act To Regulate Outdoor Wood Boilers PUBLIC 442
EMERGENCY

Not Enacted

LD 128 Resolve, Directing the Board of Environmental Protection To Adopt Rules To Improve the Emissions and Efficiency of Outdoor Wood Boilers ONTP

LD 1551 An Act To Establish a Seasonal Ban on the Operation of Outdoor Wood Boilers ONTP

Air Quality - Vehicles

Not Enacted

LD 108 An Act To Exempt Certain Vehicles from the California Low-emission Vehicle Standards ONTP

LD 1168 An Act To Amend New Motor Vehicle Laws Regarding Emission Standards ONTP

Aquatic Pesticides

Enacted

LD 1274	An Act To Allow the Discharge of Aquatic Pesticides Approved by the Department of Environmental Protection for the Control of Mosquito-borne Diseases in the Interest of Public Health and Safety	PUBLIC 291
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Boards and Commissions

Not Enacted

LD 1089	An Act To Create the Maine Natural Resource and Environment Efficiency Commission BY REQUEST	ONTP
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Cell Phones

Enacted

LD 1717	An Act To Promote Recycling of Cellular Telephones	PUBLIC 343
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Department of Environmental Protection

Enacted

LD 848	An Act To Encourage Greater Public Input into the State Environmental Licensing Process	PUBLIC 43
LD 1200	An Act To Authorize the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving Contracts with the Department	PUBLIC 300
LD 1500	An Act To Allow the Department of Environmental Protection To Charge Interest for Late Payment of Fees	PUBLIC 187
LD 1778	An Act To Amend Certain Laws Administered by the Department of Environmental Protection	PUBLIC 292

Not Enacted

LD 52	An Act To Review the Department of Environmental Protection's Procedures in Issuing Written Approval for New Building Projects	ONTP
LD 444	Resolve, Directing the Department of Environmental Protection To Review the Maine Pollutant Discharge Elimination System/Waste Discharge License Program Fee System	ONTP

Flame Retardants

Enacted

LD 1658	An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home	PUBLIC 296
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Not Enacted

LD 1488 An Act To Reduce Contamination in the Home from the Release of Brominated Flame Retardants ONTP

Gravel Pits - Blasting

Enacted

LD 895 An Act Concerning Blasting near Residential Areas PUBLIC 297

Not Enacted

LD 597 Resolve, To Regulate Blasting Operators ONTP

Impact Statements

Not Enacted

LD 399 An Act To Require Impact Statements from Potential Purchasers of Public Utilities and Those Who Apply To Extract Natural Resources ONTP

Invasives

Not Enacted

LD 692 An Act To Eradicate Invasive Aquatic Plants and Nuisance Species ONTP

Junkyards

Not Enacted

LD 78 An Act To Protect Neighborhoods from Scrap Metal Pollution ONTP

Land Use - Growth Management

Enacted

LD 345 An Act To Clarify Recent Changes to the Laws Regulating Land Use Ordinances PUBLIC 77
EMERGENCY

LD 1108 An Act To Change the Calculation of the Municipal Rate of Growth Ordinance Limit PUBLIC 155

LD 1803 An Act To Clarify Comprehensive Planning and Land Use Ordinances PUBLIC 247

Not Enacted

LD 333 An Act To Reward Cooperation in Comprehensive Planning ONTP

LD 359 An Act To Link Sewer Extension Funding to Comprehensive Planning ONTP

LD 1270 Resolve, To Clarify the Definition of Smart Growth ONTP

Lead

Enacted

LD 555 An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations PUBLIC 238

Mercury

Enacted

LD 916 An Act To Permit the Sale of Certain Used Mercury-added Products PUBLIC 98

LD 1234 Resolve, Directing the Department of Environmental Protection and the Public Utilities Commission To Develop a Program That Supports the Recycling of Fluorescent Lamps RESOLVE 25

LD 1830 Resolve, Regarding Legislative Review of Portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a Major Substantive Rule of the Department of Environmental Protection RESOLVE 64 EMERGENCY

Not Enacted

LD 637 An Act To Limit Mercury Exposure ONTP

Mold

Enacted

LD 1903 An Act To Implement the Recommendations of the Working Group Studying Mold in Buildings PUBLIC 355

Natural Resources Protection Act

Enacted

LD 1477 An Act Concerning the Natural Resources Protection Laws and Related Provisions PUBLIC 290 EMERGENCY

Not Enacted

LD 258 An Act To Amend the Laws Governing Setbacks under the Natural Resource Protection Laws ONTP

LD 326 An Act To Enhance Implementation of the Significant Wildlife Habitat Rules ONTP

LD 1014	An Act To Ensure Reasonable and Equitable Land Use Opportunities near Shorebird, Wading Bird and Waterfowl Habitat	ONTP
LD 1319	An Act Relating to Previously Approved Small Coastal Subdivisions	ONTP
LD 1430	An Act To Compensate Property Owners for Property Designated as a Significant Wildlife Habitat	ONTP

Oils - Groundwater

Enacted

LD 437	Resolve, Concerning the Reporting of Oil Spills	RESOLVE 99
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Not Enacted

LD 542	Resolve, To Direct the Department of Environmental Protection To Locate and Remediate a Gasoline Spill Contaminating a Private Well BY REQUEST	ONTP
LD 733	An Act Concerning Deductibles for Underground Oil Storage Facilities and Tanks	ACCEPTED ONTP REPORT
LD 1825	An Act To Amend the Groundwater Oil Clean-up Fund BY REQUEST	ONTP

Oils - Waste Motor Oil

Enacted

LD 1887	An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth	PUBLIC 220 EMERGENCY
LD 1929	An Act To Assist in the Cleanup of Waste Motor Oil Disposal Sites	PUBLIC 464

Not Enacted

LD 1417	An Act To Assist in the Cleanup of Waste Motor Oil Disposal Sites	ONTP
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Radon

Enacted

LD 109	An Act To Require a Model Radon Standard for New Residential Construction	PUBLIC 90
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Shoreland Zoning

Enacted

LD 340 An Act To Require the Replacement of Trees Cut in Shoreland Areas PUBLIC 92

Solid Waste

Enacted

LD 301 An Act Relating to Alternate Directors for Public Waste Disposal Corporations PUBLIC 91

LD 935 An Act To Continue To Ensure the Long-term Capacity of Municipal Landfills PUBLIC 338

LD 1313 An Act To Amend the Solid Waste Management Laws PUBLIC 192

LD 1431 An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility PUBLIC 406

LD 1908 An Act To Implement Recommendations of the Blue Ribbon Commission on Solid Waste Management PUBLIC 414

Not Enacted

LD 810 An Act To Improve Solid Waste Management CARRIED OVER

LD 1196 An Act To Protect Host Communities' Sovereign Rights ONTP

LD 1204 Resolve, To Impose a Moratorium on the Acceptance or Processing of an Application To Increase or Revise Licensing of New or Existing Incineration Facilities ONTP

LD 1596 Resolve, Directing the Department of Environmental Protection To Study Construction and Demolition Debris Recycling ONTP

Water

Enacted

LD 587 An Act To Protect and Improve Lake Water Quality by Reducing Phosphorus in Lawn Care Fertilizer PUBLIC 65

LD 774 An Act To Coordinate the Implementation of the In-stream Flow and Water Level Rules among the Department of Environmental Protection, the Drinking Water Program of the Department of Health and Human Services and the Public Utilities Commission PUBLIC 235 EMERGENCY

LD 968 Resolve, Regarding Legislative Review of Portions of Chapter 587: In-stream Flow and Lake and Pond Water Levels, a Major Substantive Rule of the Department of Environmental Protection RESOLVE 63 EMERGENCY

LD 1219 Resolve, To Study Flood Control and Water Storage RESOLVE 80

LD 1297	Resolve, Regarding Measures To Ensure the Continued Health and Commercial Viability of Maine's Seacoast by Establishing Nutrient Criteria for Coastal Waters	RESOLVE 49
LD 1508	An Act To Protect the Scenic Value of the Kennebec River	PUBLIC 364 EMERGENCY
LD 1743	An Act Concerning the Sustainable Use of and Planning for Water Resources	PUBLIC 399
LD 1845	An Act To Strengthen the Laws Concerning Surface Water Ambient Toxic Monitoring	PUBLIC 445
LD 1888	An Act To Implement Recommendations of the Drinking Water Program Regarding Public Water Supply Protection	PUBLIC 353
<u>Not Enacted</u>		
LD 493	Resolve, To Require the Department of Environmental Protection To Provide Engineering and Permitting Assistance To Clean Up Toothaker Pond	ONTP
LD 537	An Act to Protect the Machiasport Clam Flats along the Machias River from Effluent Contamination	ONTP
LD 1353	Resolve, To Provide a Comprehensive Assessment of Progress Made To Eliminate Combined Sewer Overflow into the State's Waterways	ONTP
LD 1359	An Act To Ensure the Availability of Existing Drinking Water Sources of Supply	ONTP
LD 1392	An Act To Update the Dioxin Monitoring Program	CARRIED OVER
LD 1685	Resolve, To Develop a Comprehensive Water Use Plan for Maine	ONTP

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