

Joint Standing Committee on Natural Resources

LD 21

An Act to Ensure Full Disclosure of the Source of Water Sold in Containers

PUBLIC 5

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

LD 21 proposed to require that the label identifying the source of bottled water spell out the name and geographic location of that source without the use of abbreviations or acronyms.

Enacted Law Summary

Public Law 2003, chapter 5 requires that the label identifying the source of bottled water spell out the name and geographic location of that source without the use of abbreviations or acronyms.

LD 30

An Act to Appropriate Funds for Special Testing at the Norridgewock Landfill

ONTP

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

LD 30 proposed to appropriate \$25,000 for testing for methane gas and other health and safety concerns at the Crossroads Landfill in Norridgewock.

LD 134

Resolve, To Regulate the Disposal of Dental Mercury Amalgam

ONTP

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

LD 134 proposed to require the Department of Environmental Protection to adopt major substantive rules by January 1, 2004 for the proper disposal of mercury amalgam waste from dental offices and other places where mercury amalgam fillings are prepared, used, removed, replaced or repaired.

Joint Standing Committee on Natural Resources

LD 188

An Act To Amend the Waste Management Laws Regarding the Spreading of Sludge on Land

PUBLIC 231

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES HALL	OTP-AM	H-259

LD 188 proposed to clarify that a municipality may adopt environmental standards that apply to the land application of sludge that are at least as stringent as the environmental standards that apply in the State or political subdivision of the State where the sludge originates.

Committee Amendment "A" (H-259) proposed to replace the bill. It proposed to provide that the utilization and distribution of residuals that contain human pathogens, such as municipal treatment plant sludge, may not be licensed by permit by rule. The amendment also proposed to direct the Department of Environmental Protection to establish a list of interested parties to whom notice of applications for the distribution of composted sludge must be provided. The amendment also proposed to require that notice be distributed via electronic mail to all municipalities that are equipped to receive electronic mail. The amendment also proposed that any amendment of Board of Environmental Protection rules to make the rules consistent with this bill is a routine technical rule.

Enacted Law Summary

Public Law 2003, chapter 231 provides that the utilization and distribution of residuals that contain human pathogens, such as municipal treatment plant sludge, may not be licensed by permit by rule. It also directs the Department of Environmental Protection to establish a list of interested parties to whom notice of applications for the distribution of composted sludge must be provided. The notice must also be distributed via electronic mail to all municipalities that are equipped to receive electronic mail. It also provides that any amendment of Board of Environmental Protection rules to make the rules consistent with this bill is a routine technical rule.

LD 215

Resolve, to Direct the Department of Environmental Protection to Create Statewide Standards for Incinerators

ONTP

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

LD 215 proposed to require the Department of Environmental Protection to adopt rules that provide uniform incinerator emissions standards applicable to all communities in Maine.

Joint Standing Committee on Natural Resources

LD 242

Resolve, Relating to the Consideration of the Cumulative Effect on Protected Natural Resources

RESOLVE 14

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH MARTIN	OTP-AM	H-134

LD 242 proposed to add a standard to the standards that must be met before a permit may be granted for activities such as dredging, bulldozing or construction on or over certain wetlands or protected natural resources. The new standard proposed to require a finding that the cumulative effect of the proposed activity will not be to unreasonably harm protected natural resources located on or adjacent to the project area.

Committee Amendment "A" (H-134) proposed to change the bill to a resolve and to direct the Department of Environmental Protection to convene a working group of interested parties to design a method for the consideration of cumulative effects on protected natural resources. It also proposed to direct the department to submit a proposal to the Joint Standing Committee on Natural Resources by January 5, 2004. The amendment also proposed to authorize the Joint Standing Committee on Natural Resources to report out legislation relating to the department's proposal during the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Resolve 2003, chapter 14 directs the Department of Environmental Protection to convene a working group of interested parties to design a method for the consideration of cumulative effects on protected natural resources. It also directs the department to submit a proposal to the Joint Standing Committee on Natural Resources by January 5, 2004. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation relating to the department's proposal during the Second Regular Session of the 121st Legislature.

LD 385

An Act to Change the Reporting Requirements for the Mercury Switch Removal Program

PUBLIC 6

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

LD 385 proposed to move the date by which the Department of Environmental Protection must report on the effectiveness of source separation of mercury-added products from January 1, 2005 to January 1, 2004.

Enacted Law Summary

Public Law 2003, chapter 6 moves the date by which the Department of Environmental Protection must report on the effectiveness of source separation of mercury-added products from January 1, 2005 to January 1, 2004.

Joint Standing Committee on Natural Resources

LD 395 **An Act to Clarify the Use of Municipal Rate-of-growth Ordinances** **ONTP**

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

LD 395 proposed to outline how a municipality may adopt a growth rate ordinance. The bill proposed that temporary growth rate ordinances could be enacted only to slow development while a community works toward solving the problems necessitating the growth rate ordinance. It also proposed that an ongoing growth rate ordinance could be enacted only as part of an integrated growth management strategy and also could be used in designated rural areas as a mechanism to guide growth within a community. The bill also proposed to clarify that a municipality with a comprehensive plan could implement a growth rate ordinance that applies only to designated rural areas.

LD 443 **An Act To List Agriculture as a Designated Use in Water Quality Standards** **PUBLIC 227**

<u>Sponsor(s)</u> KNEELAND WOTTON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-106
---	--	-----------------------------------	--	------------------------------------

LD 443 proposed to add agriculture as a designated use in Maine's water quality standards. It also proposed to make technical changes.

Committee Amendment "A" (S-106) proposed to provide that the sections of the bill that add agriculture as a designated use in the State's water quality standards will take effect when the water use standards for maintaining in-stream flows are finally adopted.

Enacted Law Summary

Public Law 2003, chapter 227 adds agriculture as a designated use in Maine's water quality standards. This designation takes effect when the water use standards for maintaining in-stream flows are finally adopted.

LD 491 **An Act To Manage Water Resources** **PUBLIC 121**

<u>Sponsor(s)</u> COLLINS MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-136
--	--	-----------------------------------	--	------------------------------------

LD 491 proposed to establish a permit procedure for withdrawals of groundwater or surface water in excess of 50,000 gallons per day. The bill proposed to allow the Department of Environmental Protection to impose reasonable conditions on the permit and to issue the permit only if the use is reasonable, any negative environmental impacts are mitigated and the use will not adversely affect other water supplies.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (H-136) proposed to replace the bill. It proposed to add a 4th standard of review for bulk water transport appeals submitted to the Department of Human Services. These standards are intended to protect public and private uses of Maine's groundwater and surface water resources. The new standard proposed to provide that, for a source that is not otherwise permitted by the Department of Environmental Protection, the water withdrawal must not adversely affect existing uses of groundwater or surface water resources. The amendment proposed to direct the Commissioner of Human Services to consult with the Department of Environmental Protection in addition to the Public Utilities Commission and the State Geologist regarding an appeal. Rules adopted by the Department of Human Services to implement the subsection are major substantive rules.

Enacted Law Summary

Public Law 2003, chapter 121 adds a 4th standard of review for bulk water transport appeals submitted to the Department of Human Services. These standards are intended to protect public and private uses of Maine's groundwater and surface water resources. The new standard provides that, for a source that is not otherwise permitted by the Department of Environmental Protection, the water withdrawal must not adversely affect existing uses of groundwater or surface water resources. The Commissioner of Human Services is directed to consult with the Department of Environmental Protection in addition to the Public Utilities Commission and the State Geologist regarding an appeal. Rules adopted by the Department of Human Services to implement the subsection are major substantive rules.

LD 517 **An Act To Ensure Legislative Oversight of Major Environmental Policy Proposals** **ONTP**

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

LD 517 proposed to provide that any rule proposed by the Department of Environmental Protection that will be more stringent than a federal standard is subject to legislative review as a major substantive rule.

LD 522 **An Act To Expand the Duties of the Community Preservation Advisory Committee** **ONTP**

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

LD 522 proposed to add 2 additional duties to the charge of the Community Preservation Advisory Committee. The proposal directed the committee to conduct a study of methods for redrawing county boundaries and to conduct a study of the structure of county commissions.

Joint Standing Committee on Natural Resources

LD 525

An Act To Encourage Open Space Preservation

ONTP

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

LD 525 was a concept draft pursuant to Joint Rule 208. This bill proposed to amend the law to allow municipalities to achieve goals such as encouraging open space preservation, controlling sprawl and supporting affordable housing. It also proposed to authorize communities and property owners to negotiate agreements under which a property owner would receive a reduction in property taxes in return for the property owner's agreement to use the property in a manner benefiting the town in some manner for a period of 10 years. The bill proposed to allow the property owner to negotiate a reduction in property taxes in exchange for delaying the development of the land, providing public access for hunting and fishing, or building affordable housing. Any negotiated agreements reached by the property owner and the town officials would require approval by the town.

LD 531

An Act To Clarify the Use of Municipal Rate of Growth Ordinances

PUBLIC 127

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUSLOVIC BROMLEY	OTP-AM MAJ ONTP MIN	H-159

LD 531 proposed to outline the parameters within which a municipality may adopt a rate of growth ordinance. As proposed, temporary rate of growth ordinances may be enacted only to slow development while a community works toward solving the problems necessitating the rate of growth ordinance. A permanent rate of growth ordinance may be enacted to apply to a designated growth area only if the ordinance requires that the number of permits issued annually under the rate of growth ordinance be determined according to a formula specified in rules adopted by the Executive Department, State Planning Office. A permanent rate of growth ordinance may be enacted to apply to a designated rural area only if the ordinance is recommended in the municipality's comprehensive plan as a mechanism for guiding growth and the comprehensive plan lays out policies and strategies for accommodating most of the community's future growth in designated growth areas.

Committee Amendment "A" (H-159) proposed to replace the bill. It proposed to add a provision to current law that clarifies that municipalities may enact ordinances that set different limits on the number of building or development permits that will be allowed in their rural areas and growth areas.

Enacted Law Summary

Public Law 2003, chapter 127 adds a provision to current law that clarifies that municipalities may enact ordinances that set different limits on the number of building or development permits that will be allowed in their rural areas and growth areas.

Joint Standing Committee on Natural Resources

LD 552

An Act To Establish Cleaning Stations for Boats Entering Maine

ONTP

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

LD 552 proposed to require that:

1. Informational material regarding the requirements of boaters to purchase a lake and river protection sticker and the reasons for the sticker be handed to boaters driving north on the Maine Turnpike and on informational signs on roads leading into the State;
2. Cleaning equipment be located at invasive aquatic plant inspection stations that are at or near the borders of the State;
3. Inspectors or other agents of the State immediately clean watercraft, watercraft trailers or outboard motors that fail inspection;
4. Inspection stations at or near the borders of the State issue lake and river protection stickers and certificates of inspection for watercraft, watercraft trailers and outboard motors that pass inspection; and
5. Proceeds of the Invasive Aquatic Plant and Nuisance Species Fund be used to establish cleaning stations before being spent on other elements of the program to prevent infestation of and to control invasive aquatic plants.

LD 564

An Act To Clarify the Responsibilities of the Department of Environmental Protection

PUBLIC 131

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

LD 564 proposed to require the Department of Environmental Protection to request and consider comments from the Maine Land Use Regulation Commission on projects that are partially within the commission's jurisdiction but will not require a permit from the commission under the Maine Revised Statutes, Title 12, section 685-B, subsection 1-A, paragraph B. The bill also proposed to clarify that the department must protect outstanding river segments and protect against erosion and sedimentation, regardless of whether the project is located within organized or unorganized areas.

Committee Amendment "A" (H-144) proposed to replace the bill. The amendment proposed to clarify that, in processing applications for permits for transmission lines and pipelines under the natural resources protection laws, an outstanding river segment will receive the same level of protection regardless of whether the outstanding river segment is located within the organized or unorganized territories.

Joint Standing Committee on Natural Resources

Enacted Law Summary

Public Law 2003, chapter 131 clarifies that, in processing applications for permits for transmission lines and pipelines under the natural resources protection laws, an outstanding river segment will receive the same level of protection regardless of whether the outstanding river segment is located within the organized or unorganized territories.

LD 590 **An Act To Regulate the Disposal of Computers and Related Equipment** **ONTP**

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

LD 590 proposed to ban the disposal of cathode ray tubes in landfills and incinerators.

LD 596 **An Act To Improve the Effectiveness of the Maine Coastal and Inland Surface Oil Clean-up Fund** **PUBLIC 137**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY RICHARDSON J	OTP-AM	S-72

LD 596 proposed to increase funding for the Maine Coastal and Inland Surface Oil Clean-up Fund to provide for research and development.

Committee Amendment "A" (S-72) proposed to replace the bill. It proposed to increase from \$100,000 to \$250,000 the limit within the Maine Coastal and Inland Surface Oil Clean-up Fund available for research and development. It also proposed to require researchers who receive funds for research and development to use vessels based in the State as platforms when practicable.

Enacted Law Summary

Public Law 2003, chapter 137 increases from \$100,000 to \$250,000 the limit within the Maine Coastal and Inland Surface Oil Clean-up Fund available for research and development. It also requires researchers who receive funds for research and development to use vessels based in the State as platforms when practicable.

Joint Standing Committee on Natural Resources

LD 623 **An Act To Amend Shoreline Zoning** **ONTP**

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

LD 623 proposed to amend the shoreland zoning ordinance guidelines to allow thinning and pruning of vegetation within railroad rights-of-way.

LD 632 **An Act to Establish a Process to Classify Water Bodies as Impaired** **ONTP**

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

LD 632 proposed to establish a procedure to classify a body of water as impaired or nonattainment. The bill proposed that the Board of Environmental Protection within the Department of Environmental Protection may so designate a water body if the preponderance of the evidence demonstrates that the water body is not meeting classification criteria, that the designation will not contribute to sprawl and that the designation will not have an unreasonable impact on the local economy.

LD 633 **An Act To Provide for Local Approval of Existing or Former Hydropower Projects To Enable Prioritization of Renewable Indigenous Energy Generation in Maine** **ONTP**

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

LD 633 proposed to provide municipalities with the authority to override a decision made by the Department of Environmental Protection regarding construction or reconstruction of a hydropower project.

LD 645 **An Act to Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth** **PUBLIC 129 EMERGENCY**

<u>Sponsor(s)</u> CARR STANLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-166
--------------------------------------	--	-----------------------------------	--	------------------------------------

LD 645 proposed to authorize the Finance Authority of Maine to provide interest-free loans to potentially responsible parties for the cost of implementing institutional controls at the federally designated Superfund site at Hows Corner in Plymouth.

Committee Amendment "A" (H-166) proposed to replace the bill. Like the bill, it proposed to authorize the Finance Authority of Maine to provide loans to potentially responsible parties for the cost of implementing

Joint Standing Committee on Natural Resources

institutional controls at the federally designated Superfund site at Hows Corner in Plymouth. The amendment also proposed to allow money in the loan fund to be used for attorney's fees incurred for the preparation of restrictive covenants for properties within the institutional control zone in order to implement the institutional controls. The amendment also proposed to provide that applications for loans must be submitted to the Finance Authority of Maine within 90 days after the effective date of the bill, as amended. Finally, the amendment proposed to delete the requirement for the Finance Authority of Maine to establish a registry of all persons who are eligible for loans.

Enacted Law Summary

Public Law 2003, chapter 129 authorizes the Finance Authority of Maine to provide loans to potentially responsible parties for the cost of implementing institutional controls at the federally designated Superfund site at Hows Corner in Plymouth. It also allows money in the loan fund to be used for attorney's fees incurred for the preparation of restrictive covenants for properties within the institutional control zone in order to implement the institutional controls. Applications for loans must be submitted to the Finance Authority of Maine within 90 days after the effective date of chapter 129. Finally, it deletes the requirement for the Finance Authority of Maine to establish a registry of all persons who are eligible for loans.

Public Law 2003, chapter 129 was enacted as an emergency measure effective May 13, 2003.

LD 651 **An Act To Address Reporting of Certain Low-quantity Oil Releases** **ONTP**

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

LD 651 proposed to provide requirements for oil discharges of 50 gallons or less.

LD 670 **An Act Regarding the Disposal of Sludge** **ONTP**

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

LD 670 proposed to allow a municipality to enact stricter standards than the standards adopted by the Department of Environmental Protection for the storage and use of sludge, septage and composted sludge, provided the governing body of the municipality adopted the stricter standards after a public hearing was held. As proposed, the authority to adopt stricter standards would not apply to compost, manure or residuals. The bill also proposed to require a property owner to record information with the register of deeds if sludge, septage or composted sludge is spread on the owner's land.

Joint Standing Committee on Natural Resources

LD 693

An Act To Ensure the Safety of Children Touring Incinerator Facilities

PUBLIC 441

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY	OTP-AM A	H-492
MARTIN	ONTP B	
	RE-REF C	

LD 693 proposed to require resource recovery facilities that burn municipal solid waste to provide safety glasses, a hard hat and a dust mask or single-use respirator to every person 18 years of age or younger who tours that facility. The bill proposed to require respirators to be of a type approved by National Institute of Occupational Safety and Health to protect the user against any particulates, dust or mists that may be encountered within that facility. The bill also proposed to require facilities to provide the safety glasses, hard hat and dust mask or respirator at no cost and to instruct the user on the proper use of the respirator.

Committee Amendment "A" (H-492) was the majority report of the committee. The amendment proposed to replace the bill. It proposed to require resource recovery facilities that burn municipal solid waste to send a list of Occupational Safety and Health Administration air quality violations to a school prior to allowing students to enter the facility for the purpose of touring the facility. It also proposed to require that the list be forwarded to the parent of any student touring the facility. The amendment also proposed to prohibit resource recovery facilities that burn municipal solid waste from permitting students who have not yet entered 7th grade to enter the facility for the purpose of touring the facility.

House Amendment "A" to Committee Amendment "A" (H-501) proposed to remove the provisions of Committee Amendment "A" that proposed to prohibit resource recovery facilities that burn municipal solid waste from permitting students who have not yet entered 7th grade to enter the facility for the purpose of touring the facility. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 441 requires resource recovery facilities that burn municipal solid waste to send a list of Occupational Safety and Health Administration air quality violations to a school prior to allowing students to enter the facility for the purpose of touring the facility; the list must be forwarded to the parent of any student touring the facility. It also prohibits resource recovery facilities that burn municipal solid waste from permitting students who have not yet entered 7th grade to enter the facility for the purpose of touring the facility.

LD 695

An Act To Amend the Laws Governing Minimum Lot Size

PUBLIC 308

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL	OTP-AM	H-349
SAVAGE		

LD 695 proposed to repeal the minimum lot size requirements for development using on-site subsurface wastewater disposal. It also proposed to fix cross-references.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (H-349) proposed to replace the original bill. The amendment proposed to authorize local plumbing inspectors in municipalities and unorganized territories to approve the installation of subsurface waste disposal systems on lots that are less than 20,000 square feet if certain criteria are met. If the criteria are not met, the Department of Human Services is the reviewing authority. The amendment also proposed to authorize the Department of Human Services or the municipality or unorganized territory to charge a review fee not to exceed \$50 per review.

Enacted Law Summary

Public Law 2003, chapter 308 authorizes local plumbing inspectors in municipalities and unorganized territories to approve the installation of subsurface waste disposal systems on lots that are less than 20,000 square feet if certain criteria are met. If the criteria are not met, the Department of Human Services is the reviewing authority. Chapter 308 also authorizes the Department of Human Services or the municipality or unorganized territory to charge a review fee not to exceed \$50 per review.

LD 696

An Act Concerning the Adoption of Coastal Sand Dune Rules

**PUBLIC 130
EMERGENCY**

Sponsor(s)
COWGER
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-167

LD 696 proposed to prohibit seawall construction and enlargement; prohibit reconstruction of buildings in the sand dune system damaged by more than 50% by a storm; prohibit construction of new buildings in the frontal dune; and authorize the Board of Environmental Protection to grant variances from sand supply standards.

Committee Amendment "A" (H-167) proposed to replace the bill. The amendment proposed to provide that rules adopted by the Board of Environmental Protection regarding development in coastal sand dune systems are major substantive rules.

Enacted Law Summary

Public Law 2003, chapter 130 provides that rules adopted by the Board of Environmental Protection regarding development in coastal sand dune systems are major substantive rules.

Public Law 2003, chapter 130 was enacted as an emergency measure effective May 13, 2003.

LD 697

**An Act To Require the Installation of Dental Amalgam Separator
Systems in Dental Offices**

PUBLIC 301

Sponsor(s)
COWGER
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-274

LD 697 proposed to require the installation of amalgam separator systems in dental offices that add, remove or modify dental amalgam. It proposed to require those systems to comply with the standards of the International

Joint Standing Committee on Natural Resources

Organization for Standardization, ISO 11143:1999. It proposed to require dentists to notify the Department of Environmental Protection of their installations and to also notify the director or chief engineer of a publicly owned treatment works if their wastewater is discharged into a publicly owned treatment works. It proposed that dentists must comply with these requirements beginning December 31, 2004.

Committee Amendment "A" (H-274) proposed to amend the definition of "amalgam separator system" to include a device that removes dental amalgam from the waste stream prior to its discharge to a private septic system located at a dental facility. The amendment also proposed to require dental amalgam separators to meet a minimum removal efficiency of 95% if installed prior to March 20, 2003 or 98% if installed on or after March 20, 2003 as determined through testing in accordance with standards of the International Organization for Standardization in effect on the date the system is installed. The amendment proposed to require dentists to maintain, for a period of 3 years, all shipping records for replacement filters and written documentation to demonstrate that the amalgam separator system has been properly inspected and maintained.

Enacted Law Summary

Public Law 2003, chapter 301 requires the installation of amalgam separator systems in dental offices that add, remove or modify dental amalgam. Dental amalgam separators must meet a minimum removal efficiency of 95% if installed prior to March 20, 2003 or 98% if installed on or after March 20, 2003 as determined through testing in accordance with standards of the International Organization for Standardization in effect on the date the system is installed. Dentists must notify the Department of Environmental Protection of their installations and must also notify the director or chief engineer of a publicly owned treatment works if their wastewater is discharged into a publicly owned treatment works. Dentists must maintain, for a period of 3 years, all shipping records for replacement filters and written documentation to demonstrate that the amalgam separator system has been properly inspected and maintained. Dentists need not comply with these requirements until December 31, 2004.

LD 707

An Act Regarding the Development and Implementation of an Eradication Plan for Invasive Aquatic Plants

PUBLIC 136

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS JACOBSEN	OTP-AM	S-75

LD 707 proposed to require the Department of Environmental Protection to develop and implement a comprehensive plan for the eradication of invasive aquatic plants. The bill also proposed to require the department to attempt eradication of invasive aquatic plants prior to the completion of the comprehensive plan.

Committee Amendment "A" (S-75) proposed to replace the bill. The amendment proposed to authorize the Department of Environmental Protection to study and develop a plan that includes the use of water level drawdown for the eradication of invasive aquatic plants. Under the proposal, if the department determines that the plan is feasible, the department may implement the plan. The amendment also proposed to authorize the department to seek funding from private sources to support the development and implementation of the plan.

Enacted Law Summary

Public Law 2003, chapter 136 authorizes the Department of Environmental Protection to study and develop a plan that includes the use of water level drawdown for the eradication of invasive aquatic plants. If the department

Joint Standing Committee on Natural Resources

determines that the plan is feasible, the department may implement the plan. Chapter 136 also authorizes the department to seek funding from private sources to support the development and implementation of the plan.

LD 709 **An Act To Require Public Meetings prior to Dam Removal** **PUBLIC 134**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON FLETCHER	OTP-AM	S-64

LD 709 proposed to require the Department of Environmental Protection to hold a public hearing before a dam is removed.

Committee Amendment "A" (S-64) proposed to replace the bill. The amendment proposed to require a person who intends to file an application for a permit to remove an existing dam to attend a preapplication meeting with the Department of Environmental Protection and to hold a public informational meeting prior to filing the application. The meetings must be held in accordance with the department's rules on the processing of applications.

Enacted Law Summary

Public Law 2003, chapter 134 requires a person who intends to file an application for a permit to remove an existing dam to attend a preapplication meeting with the Department of Environmental Protection and to hold a public informational meeting prior to filing the application. The meetings must be held in accordance with the department's rules on the processing of applications.

LD 743 **An Act To Develop a Plan for Cathode Ray Tube Disposal** **PUBLIC 150**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON MARTIN	OTP-AM	H-185

LD 743 proposed to require producers of electronic equipment to implement a program for ensuring the environmentally sound collection, treatment, recovery and final disposition of discarded and obsolete electronic equipment.

Committee Amendment "A" (H-185) proposed to replace the bill. The amendment proposed to ban the disposal of cathode ray tubes, that are not already prohibited from disposal under the hazardous waste rules, in solid waste disposal facilities beginning January 1, 2006. The amendment also proposed to require the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan, utilizing the concept of shared responsibility among manufacturers, distributors, retailers, consumers and other parties, for the collection and recycling of cathode ray tubes. Under the amendment, the department would submit the recommended plan to the Joint Standing Committee on Natural Resources by January 30, 2004. The amendment proposed to authorize the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session of the 121st Legislature.

Joint Standing Committee on Natural Resources

Enacted Law Summary

Public Law 2003, chapter 150 bans the disposal of cathode ray tubes, that are not already prohibited from disposal under the hazardous waste rules, in solid waste disposal facilities, beginning January 1, 2006. It also requires the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan, utilizing the concept of shared responsibility among manufacturers, distributors, retailers, consumers and other parties, for the collection and recycling of cathode ray tubes. The department must submit the recommended plan to the Joint Standing Committee on Natural Resources by January 30, 2004. The Joint Standing Committee on Natural Resources may report out legislation during the Second Regular Session of the 121st Legislature.

LD 745 **An Act To Allow Municipalities To Assess a Surcharge on New Construction That Is Not in a Designated Growth Area** **ONTP**

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

LD 745 proposed to authorize a municipality to impose a surcharge on new construction located outside its designated growth area.

LD 803 **An Act To Ensure the Rights of Host Communities Regarding the Construction and Operation of State-owned Solid Waste Disposal Facilities** **ONTP**

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

LD 803 proposed to do the following:

1. It proposed to require that host community agreements between municipalities and solid waste facility operators be monitored for good faith by a neutral arbitrator;
2. It proposed to require that host community agreements provide for tipping fees to be paid to the municipality into a trust fund to help pay for monitoring, testing and administrative costs of solid waste facilities and in case of accidents or failures with the facility;
3. It proposed to require the Executive Department, State Planning Office to report to the Legislature when there is only one facility in the State to handle the required disposal demand or when the available capacity will be used up within 4 years; and
4. It proposed to require the State Planning Office to conduct a search and report on other suitable disposal sites in the State.

Committee Amendment "A" (S-150) was the minority report of the Joint Standing Committee on Natural Resources. The amendment proposed to add an appropriation section. This amendment was not adopted.

Joint Standing Committee on Natural Resources

LD 817 **An Act To Amend the Laws Governing Sand and Salt Sheds** **ONTP**

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

LD 817 proposed to continue to require Priority 1 and Priority 2 sand and salt storage projects to be completed pursuant to the schedule established in law and proposed to exempt Priority 3, Priority 4 and Priority 5 projects from being completed if these projects have not been completed as of October 15, 2003.

LD 829 **An Act To Strengthen the State's Air Toxics Laws** **ONTP**

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

LD 829 proposed to require the Board of Environmental Protection to adopt or amend its air emission standards to establish air toxics control standards that are at least as stringent as the air toxics control regulations adopted by the City of Biddeford. The bill proposed that the rules establishing these air toxics control standards are major substantive rules that must be submitted to the Joint Standing Committee on Natural Resources for its consideration during the Second Regular Session of the 121st Legislature.

LD 845 **An Act To Provide Leadership in Addressing the Threat of Climate Change** **PUBLIC 237**

<u>Sponsor(s)</u> KOFFMAN TREAT		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-262
---------------------------------------	--	---	--	------------------------------------

LD 845 proposed to require new sources of greenhouse gases to be reported to the Department of Environmental Protection. It also proposed to require the department to create an inventory of greenhouse gas emissions associated with state-owned facilities and state-funded programs and to create a plan for reducing those emissions. The bill also proposed to require the department to enter into carbon emission reduction agreements with nonprofit organizations and businesses. Finally, the bill proposed to require the department to develop a long-term climate action plan for the State.

Committee Amendment "A" (H-262) was the report of a majority of the committee. The amendment proposed to replace the bill. The amendment proposed to direct the Department of Environmental Protection to create a greenhouse gas emissions inventory for state-owned facilities and state-funded programs; to seek to establish carbon emission reduction agreements with businesses and nonprofit organizations; to participate in a regional greenhouse gas registry; and to create an annual statewide greenhouse gas emissions inventory. The amendment also proposed to set state short-term, medium-term and long-term goals for the reduction of greenhouse gas emissions within the State. The amendment proposed to direct the Department of Environmental Protection to adopt a state climate action plan by July 1, 2004 and to direct the Department of Environmental Protection to evaluate, every 2 years, the State's progress toward meeting the reduction goals and to amend the action plan as

Joint Standing Committee on Natural Resources

necessary to ensure that the State can meet the reduction goals. The amendment also proposed that, beginning no earlier than 2008, the Department of Environmental Protection may recommend to the joint standing committee of the Legislature having jurisdiction over natural resources matters that the reduction goals be increased or decreased.

Enacted Law Summary

Public Law 2003, chapter 237 directs the Department of Environmental Protection to create a greenhouse gas emissions inventory for state-owned facilities and state-funded programs; to seek to establish carbon emission reduction agreements with businesses and nonprofit organizations; to participate in a regional greenhouse gas registry; and to create an annual statewide greenhouse gas emissions inventory. It also sets state short-term, medium-term and long-term goals for the reduction of greenhouse gas emissions within the State. It directs the Department of Environmental Protection to adopt a state climate action plan by July 1, 2004 and directs the Department of Environmental Protection to evaluate, every 2 years, the State's progress toward meeting the reduction goals and to amend the action plan as necessary to ensure that the State can meet the reduction goals. Beginning no earlier than 2008, the Department of Environmental Protection may recommend to the joint standing committee of the Legislature having jurisdiction over natural resources matters that the reduction goals be increased or decreased.

LD 851 **An Act To Test for and Reduce Mercury Emissions from Resource Recovery Facilities** **ONTP**

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

LD 851 proposed to specifically require that the presence of mercury be tested for in the emissions of resource recovery facilities burning municipal waste. The bill also proposed to establish limits on mercury emission rates for a resource recovery facility that has the capacity to burn 100 tons per day or more of municipal waste and proposed to require facilities that burn more than 100 tons but less than 350 tons per day of municipal waste to be licensed.

LD 853 **An Act To Promote Livable, Affordable Neighborhoods** **ONTP**

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

LD 853 proposed to establish the State Affordable Neighborhood Development Review Board within the Maine State Housing Authority and to establish standards for affordable neighborhood developments.

Joint Standing Committee on Natural Resources

LD 927 **An Act To Require an Impact Statement on Legislation Relating to the Department of Environmental Protection and the Executive Department, State Planning Office** **ONTP**

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

LD 927 was a concept draft pursuant to Joint Rule 208. It proposed to require the Department of Environmental Protection and the Executive Department, State Planning Office to prepare statements pertaining to the impact that proposed legislation, agency rules or agency action concerning each respective agency has upon municipalities, private ownership, property rights or agency resources, including the costs that the agency would bear. The statements would be furnished to the appropriate joint standing committee of the Legislature for the information of its members and for inclusion in bills that receive an "ought to pass" report when reported by the committee. A statement would not be required for legislation that has no impact upon the respective agency.

LD 948 **An Act To Ensure Clean Air in Communities Affected by Privately Owned Incinerator Facilities** **ONTP**

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

LD 948 proposed to amend the statutes concerning incinerators to strengthen the regulation of air emissions from privately owned incinerator facilities to ensure that the public health of the surrounding communities is not negatively affected.

LD 1011 **An Act To Establish Minimum Environmental Compliance Standards for Subsidized Employers** **ONTP**

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

LD 1011 proposed to provide that an employer that has not corrected a violation of environmental laws is ineligible to receive benefits under a taxpayer incentive program such as the business equipment tax reimbursement program, the Maine Employment Tax Increment Financing Act and the shipbuilding facility credit.

Joint Standing Committee on Natural Resources

LD 1016 **Resolve, Directing Certain State Agencies To Renegotiate an Agreement Regarding Dams on the Sebasticook River** **ONTP**

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

LD 1016 proposed to require the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the State Planning Office within the Executive Department to renegotiate the 1998 Kennebec Hydro Developers Group Agreement to require fish passage at the Fort Halifax, Benton Falls and Burnham projects no sooner than May 1, 2005 in order that a comprehensive assessment may be made of the anadromous restoration plan for the Sebasticook River system.

LD 1034 **An Act To Require Certain Agencies To Track Votes of Board and Commission Members** **ONTP**

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

LD 1034 proposed to require the Commissioner of Environmental Protection to track the votes of each member of the Board of Environmental Protection and the Director of the Maine Land Use Regulation Commission to track the votes of each member of the commission. The bill also proposed to require that the commissioner and the director make these voting records available to the public.

LD 1045 **Resolve, Directing the Community Preservation Advisory Committee To Study the State Planning Office's Review of Municipal Comprehensive Plans and Growth Management Programs** **RESOLVE 34**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS GILMAN	OTP-AM	H-284

LD 1045 proposed to provide that rules adopted by the Executive Department, State Planning Office regarding review of municipal growth management programs, comprehensive plans and municipal ordinances for consistency with the goals of the growth management laws are major substantive rules. The bill also proposed to require the State Planning Office to make its findings of a growth management program or comprehensive plan's consistency or inconsistency with the growth management laws within the time frames already established in law.

Committee Amendment "A" (H-284) proposed to replace the bill. The amendment proposed to direct the Community Preservation Advisory Committee to study the Executive Department, State Planning Office's review of municipal comprehensive plans, growth management programs and local ordinances for consistency with state goals. The amendment proposed to require the Community Preservation Advisory Committee to submit a report to

Joint Standing Committee on Natural Resources

the Joint Standing Committee on Natural Resources by December 1, 2003. As proposed, the Joint Standing Committee on Natural Resources may report out legislation relating to the study during the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Resolve 2003, chapter 34 directs the Community Preservation Advisory Committee to study the Executive Department, State Planning Office's review of municipal comprehensive plans, growth management programs and local ordinances for consistency with state goals. The Community Preservation Advisory Committee shall submit a report to the Joint Standing Committee on Natural Resources by December 1, 2003. The Joint Standing Committee on Natural Resources may report out legislation relating to the study during the Second Regular Session of the 121st Legislature.

LD 1059 **Resolve, Directing the Department of Environmental Protection To Recognize the Distinction between Water Storage Reservoirs and Natural Lakes** **RESOLVE 37**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK STANLEY	OTP-AM	H-283

LD 1059 proposed to clarify that, in determining whether the habitat characteristics and aquatic life criteria are met in water storage reservoirs, the fact that there is different habitat and aquatic life in a water storage reservoir than in a natural great pond must be recognized. The bill also proposed that the Legislature recognize that many water storage reservoirs were authorized by legislative charter for the express purpose of storing and releasing water for instream purposes and downstream uses and that water storage reservoirs are artificial and not natural. The bill therefore proposed to clarify that in determining whether the structure and function of the resident biological community is maintained in water storage reservoirs the "resident biological community" to be evaluated is the aquatic life expected to exist within the impounded waters of water storage reservoirs with drawdowns of similar magnitude.

Committee Amendment "A" (H-283) proposed to replace the bill with a resolve. The amendment proposed to require the Department of Environmental Protection, Board of Environmental Protection, when adopting rules relating to protocols and procedures for evaluation of the resident biological community in water storage reservoirs, to recognize that water storage reservoirs are artificial and are not natural water bodies and to recognize and protect existing uses. The amendment also proposed to require the Department of Environmental Protection, when issuing licenses, permits and certifications prior to final adoption of the rules, to recognize that water storage reservoirs are artificial and are not natural water bodies and to ensure that the existing uses of water storage reservoirs are maintained and protected. The amendment proposed to provide that the goal of the rules or any license, permit or certification must be that the structure and function of the resident biological community that must be maintained in a water storage reservoir is the structure and function that would be expected to exist in a water storage reservoir with a drawdown of similar magnitude. The amendment also proposed to define "water storage reservoir."

Joint Standing Committee on Natural Resources

Enacted Law Summary

Resolve 2003, chapter 37 requires the Board of Environmental Protection, when adopting rules relating to protocols and procedures for evaluation of the resident biological community in water storage reservoirs, to recognize that water storage reservoirs are artificial and are not natural water bodies and to recognize and protect existing uses. It also requires the Department of Environmental Protection, when issuing licenses, permits and certifications prior to final adoption of the rules, to recognize that water storage reservoirs are artificial and are not natural water bodies and to ensure that the existing uses of water storage reservoirs are maintained and protected. It also provides that the goal of the rules or any license, permit or certification must be that the structure and function of the resident biological community that must be maintained in a water storage reservoir is the structure and function that would be expected to exist in a water storage reservoir with a drawdown of similar magnitude. It also defines "water storage reservoir."

LD 1067 **An Act To Abolish the State Planning Office** **ONTP**

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

LD 1067 proposed to require that a regional economic development organization must relocate every 5 years to a municipality that is physically located at least 30 miles from the current location in order to be eligible for state funding. It also proposed to abolish the State Planning Office within the Executive Department.

Committee Amendment "A" (H-261) was the minority report of the Joint Standing Committee on Natural Resources. The amendment proposed to delete from the bill the requirement that a regional economic development organization must relocate every 5 years to a municipality that is physically located at least 30 miles from the current location in order to be eligible for state funding. This amendment was not adopted.

LD 1084 **An Act To Provide Incentives for Affordable Neighborhood Developments** **ONTP**

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

LD 1084 proposed to establish the State Affordable Neighborhood Development Review Board within the Maine State Housing Authority under which a municipality may voluntarily agree to the creation of an affordable neighborhood development. The bill also proposed to establish standards for affordable neighborhood developments and establish incentives for municipalities to participate. The bill also proposed to create the Affordable Neighborhood Development Fund.

Joint Standing Committee on Natural Resources

LD 1137

An Act Regarding Riverine Impoundments

PUBLIC 257

<u>Sponsor(s)</u> PINEAU WOODCOCK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-350
---	-----------------------------------	------------------------------------

LD 1137 proposed to create a new classification for riverine impoundments that thermally stratify during some portion of the year. The proposed bill would not apply to impoundments classified as GPA.

The bill also proposed to establish a de minimis level for total phosphorus discharges. The de minimis level would have been based on the minimum detectable total phosphorus concentration using low detection limit analyses and clean sampling techniques.

The bill also proposed to repeal and replace the existing definition of "indigenous" by specifying that introduced species are not indigenous to waters of the State. A new definition of thermal stratification was also proposed.

Committee Amendment "A" (H-350) proposed to replace the bill. It proposed to establish requirements related to measurement of dissolved oxygen within riverine impoundments. The amendment proposed that compliance with dissolved oxygen criteria in riverine impoundments may not be measured within .5 meters of the bottom of the riverine impoundment. Where mixing is inhibited due to thermal stratification, compliance with numeric dissolved oxygen criteria may not be measured below the higher of the point of thermal stratification or the point proposed by the Department of Environmental Protection as an alternative depth based on all factors that would be included in a use attainability analysis and for which a use attainability analysis is conducted if required by the United States Environmental Protection Agency. Where mixing is inhibited due to natural topographical features in a riverine impoundment, compliance with numeric dissolved oxygen criteria may not be measured within the portion that is isolated.

Enacted Law Summary

Public Law 2003, chapter 257 establishes requirements related to measurement of dissolved oxygen within riverine impoundments. It provides that compliance with dissolved oxygen criteria in riverine impoundments may not be measured within .5 meters of the bottom of the riverine impoundment. Where mixing is inhibited due to thermal stratification, compliance with numeric dissolved oxygen criteria may not be measured below the higher of the point of thermal stratification or the point proposed by the Department of Environmental Protection as an alternative depth based on all factors that would be included in a use attainability analysis and for which a use attainability analysis is conducted if required by the United States Environmental Protection Agency. Where mixing is inhibited due to natural topographical features in a riverine impoundment, compliance with numeric dissolved oxygen criteria may not be measured within the portion that is isolated.

Joint Standing Committee on Natural Resources

LD 1158

An Act To Protect Maine's Coastal Water

CARRIED OVER

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

LD 1158 proposes to establish commercial passenger vessel environmental compliance standards to provide for the terms and conditions of vessel discharges and monitoring and supervision of discharges from commercial passenger vessels through a registration system. LD 1158 was carried over to the Second Regular Session.

LD 1159

An Act To Reduce Mercury Use in Measuring Devices and Switches

PUBLIC 221

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-250
-------------------	-----------------------------------	------------------------------------

LD 1159 proposed to ban the sale of mercury switches, mercury relays and certain mercury-added measuring devices and instruments effective July 1, 2006. As proposed, the ban does not apply to the sale of mercury switches or mercury relays used as replacement parts in existing manufacturing equipment or in other equipment or machinery in which the switch or relay is integrated with other components. Manufacturers and users of the targeted mercury-added products may apply to the Commissioner of Environmental Protection for an exemption from the sales prohibition.

The bill also proposed to clarify the scope of the prohibition on the sale of mercury-added thermostats enacted by Public Law 2001, chapter 620, section 1.

Committee Amendment "A" (H-250) proposed to provide that the ban on the sale of mercury switches, mercury relays and certain mercury-added measuring devices and instruments does not apply if the use of the product is a federal requirement. The amendment also proposed to add another method of receiving an exemption from the sales ban: an exemption may be granted if the exemption is requested because the mercury-added product is required to meet specific advanced technology product specifications. The amendment proposed to authorize the Commissioner of Environmental Protection to require individuals who receive an exemption to maintain records and submit reports. The amendment also proposed to require the Department of Environmental Protection to submit to the Joint Standing Committee on Natural Resources a plan to improve the collection of mercury-added thermostats. As proposed, the Joint Standing Committee on Natural Resources is authorized to report out legislation relating to the collection of mercury-added thermostats during the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Public Law 2003, chapter 221 bans the sale of mercury switches, mercury relays and certain mercury-added measuring devices and instruments effective July 1, 2006. The ban does not apply to the sale of mercury switches or mercury relays used as replacement parts in existing manufacturing equipment, in other equipment or machinery in which the switch or relay is integrated with other components or if the use of the product is a federal requirement. Manufacturers and users of the targeted mercury-added products may apply to the Commissioner of Environmental Protection for an exemption from the sales prohibition. Chapter 221 authorizes the Commissioner of Environmental Protection to require individuals who receive an exemption to maintain records and submit reports. It also requires the Department of Environmental Protection to submit to the Joint Standing Committee on Natural Resources a plan to improve the collection of mercury-added thermostats. The Joint Standing Committee on

Joint Standing Committee on Natural Resources

Natural Resources is authorized to report out legislation relating to the collection of mercury-added thermostats during the Second Regular Session of the 121st Legislature. Chapter 221 also clarifies the scope of the prohibition on the sale of mercury-added thermostats enacted by Public Law 2001, chapter 620, section 1.

LD 1234

Resolve, To Protect High and Moderate Value Waterfowl and Wading Bird Habitats

RESOLVE 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH MARTIN	OTP-AM	H-372 H-506 DUNLAP H-539 KOFFMAN

LD 1234 proposed to clarify the application of rules adopted by the Department of Environmental Protection governing the guidelines for municipal shoreland zoning ordinances, and to extend currently existing protections of shoreland zoning to certain candidates for designation as high-value and moderate-value waterfowl and wading bird habitats.

Under current law, the Board of Environmental Protection is directed in the Maine Revised Statutes, Title 38, section 438-A, subsection 1 to adopt and update guidelines for municipal zoning and land use controls, including the establishment of resource protection zones. In department rules governing municipal shoreland zoning ordinances, "resource protection district" is defined as "areas within 250 feet of...wetlands...which are rated 'moderate' or 'high' value by the Maine Department of Inland Fisheries and Wildlife as of January 1, 1973. (emphasis added)" This bill proposed to codify language following that rule that suggests that, as significant wildlife habitat continues to be "mapped and development standards are established, municipalities should incorporate such areas and standards into their locally adopted ordinances." It proposed to expand the definition of "significant wildlife habitat" to include the more than 100 candidates proposed by the staff of the Department of Inland Fisheries and Wildlife for designation as high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas, that have a completed Department of Inland Fisheries and Wildlife field survey under the ecoregional survey for water birds. The bill also proposed to exclude those habitats and areas from the requirement that maps of such areas be adopted by rule by the Department of Inland Fisheries and Wildlife and instead proposed to deem those areas to be mapped by the department.

Committee Amendment "A" (H-372) proposed to replace the bill and make it a resolve. The amendment proposed to direct the Department of Inland Fisheries and Wildlife, through rulemaking, to define, identify and map all high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas, subject to a General Fund appropriation. The amendment also proposed to direct the Commissioner of Inland Fisheries and Wildlife to submit a report to the Joint Standing Committee on Natural Resources that contains a schedule for the mapping and a projected cost to map all high and moderate value waterfowl and wading bird habitats.

House Amendment "A" to Committee Amendment "A" (H-506) proposed to require the Commissioner of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife as well as the Joint Standing Committee on Natural Resources.

House Amendment "B" to Committee Amendment "A" (H-539) proposed to clarify that the rules adopted by the Department of Inland Fisheries and Wildlife to define, identify and map high and moderate value waterfowl and wading bird habitats are routine technical rules.

Joint Standing Committee on Natural Resources

House Amendment "C" to Committee Amendment "A" (H-543) proposed to clarify that the rules adopted by the Department of Inland Fisheries and Wildlife to define, identify and map high and moderate value waterfowl and wading bird habitats are major substantive rules. This amendment was not adopted.

Enacted Law Summary

Resolve 2003, chapter 82 directs the Department of Inland Fisheries and Wildlife, through routine technical rulemaking, to define, identify and map all high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas, subject to a General Fund appropriation. It also directs the Commissioner of Inland Fisheries and Wildlife to submit a report to the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Inland Fisheries and Wildlife that contains a schedule for the mapping and a projected cost to map all high and moderate value waterfowl and wading bird habitats.

LD 1253 **An Act to Ensure Playground Safety** **CARRIED OVER**

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

LD 1253 proposes to establish a Playground Safety and Tire Recycling Fund to provide matching grants to public schools and institutions and state parks and recreation areas to purchase and install playground surfacing material made from waste tire material. The intent of this bill is to improve playground safety while also promoting the reuse of tires. The bill proposes to establish the fund within the State Planning Office and directs that office to adopt rules to administer the fund. The bill also proposes to impose a fee of 25¢ per tire to provide the funding for the grant program. LD 1253 was carried over to the Second Regular Session.

LD 1271 **Resolve, To Study the Implementation of a Plan To Prohibit the Discharge of Certain Wastewater into Coastal Waters** **RESOLVE 79 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS MARTIN	OTP-AM	H-207

LD 1271 proposed to require the Department of Environmental Protection to define boundaries of certain waters in Casco Bay, including Portland Harbor and the Fore River estuary, as no-discharge zones for the purposes of application under the federal Clean Water Act and to adopt rules prohibiting the discharge of gray water from vessels in those zones.

Committee Amendment "A" (H-207) proposed to replace the resolve. The amendment proposed to require the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State. The amendment proposed to require the department to submit the recommended plan to the Joint Standing Committee on Natural Resources by November 1, 2003. The amendment also proposed to add an emergency preamble and an emergency clause.

Enacted Law Summary

Joint Standing Committee on Natural Resources

Resolve 2003, chapter 79 requires the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State. The department must submit the recommended plan to the Joint Standing Committee on Natural Resources by November 1, 2003.

Resolve 2003, chapter 79 was passed as an emergency measure effective June 18, 2003.

LD 1276

An Act To Amend the Sand Dune Laws

ONTP

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

LD 1276 proposed to amend the laws regulating construction on sand dunes.

LD 1297

An Act To Amend the Subdivision Laws

PUBLIC 226

<u>Sponsor(s)</u> SAVIELLO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-330
-------------------------------	--	-----------------------------------	--	------------------------------------

LD 1297 proposed to exclude from the definition of subdivision under the Department of Environmental Protection's site location of development laws an unauthorized subdivision lot in existence for at least 20 years that was not the subject of a denial of approval or an enforcement action within 20 years of the unauthorized subdivision's existence.

Committee Amendment "A" (H-330) proposed to replace the bill. It proposed to create an exclusion from the requirement to obtain a permit for a subdivision under the Department of Environmental Protection's laws regarding site location of development: a lot is excluded whose sale or lease created a subdivision that required a permit if the permit was not obtained and the subdivision has been in existence for at least 20 years. However, the amendment proposed that a lot is not exempt if the department denied approval of the subdivision or issued a notice of violation or if the lot has been the subject of an enforcement action.

Enacted Law Summary

Public Law 2003, chapter 226 creates an exclusion from the requirement to obtain a permit for a subdivision under the Department of Environmental Protection's laws regarding site location of development: a lot is excluded whose sale or lease created a subdivision that required a permit if the permit was not obtained and the subdivision has been in existence for at least 20 years. However, a lot is not exempt if the department denied approval of the subdivision or issued a notice of violation or if the lot has been the subject of an enforcement action.

Joint Standing Committee on Natural Resources

LD 1309

An Act To Protect Public Health by Reducing Human Exposure to Arsenic

PUBLIC 457

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-490
BRENNAN	OTP-AM MIN	

LD 1309 proposed to require disclosure of the presence of arsenic in the water supply and in outdoor structures made with arsenic-treated wood when residential real property is sold. The bill proposed to ban the sale or distribution of arsenic-treated wood except for salt water or fresh water uses. The bill proposed to restrict the disposal of arsenic-treated wood to a lined landfill, prohibiting its burning as a fuel or its chipping, mulching or composting. The bill also proposed to require the Department of Human Services, Bureau of Health to report by October 1, 2004 on further actions to reduce human exposure to arsenic and on the need for a comprehensive safe drinking water program for private wells.

Committee Amendment "A" (H-490) was the majority report of the Joint Standing Committee on Natural Resources and proposed to replace the bill. The amendment proposed to require the seller of residential real property to provide to the purchaser information developed by the Department of Human Services on arsenic in private water supplies and treated wood. The amendment proposed to prohibit, as of the effective date of the legislation, retail businesses from purchasing arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency. The amendment also proposed to prohibit, as of April 1, 2004, the sale of arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency. The amendment proposed to prohibit the admission of the statute pertaining to arsenic-treated wood into evidence in any private-party civil proceeding against any wholesaler, retailer or installer of arsenic-treated wood. The amendment proposed to require the Department of Environmental Protection to develop a disposal plan for the safe management of arsenic-treated wood waste. It proposed to require the Department of Human Services to submit a report on the need for a comprehensive safe drinking water program for private wells to address arsenic. It proposed to require the Real Estate Commission to submit a report on the efforts within the real estate industry to increase awareness among real estate licensees and buyers and sellers of residential real estate of the hazards of arsenic in water supplies and treated wood, the need to test for arsenic in private water supplies and the need to identify and regularly coat with a sealant arsenic-treated wood structures. Finally, the amendment proposed to direct the Department of Environmental Protection to submit a report that contains a market evaluation of the sale and uses of arsenic-treated wood that are not prohibited under this legislation.

Committee Amendment "B" (H-491) was the minority report of the Joint Standing Committee on Natural Resources and proposed to replace the bill. The amendment proposed to require the seller of residential real property to provide to the purchaser information developed by the Department of Human Services on arsenic in private water supplies and treated wood. The amendment proposed to require retail establishments that sell arsenic-treated wood to post signs and label products as specified by the enhanced consumer awareness program developed in cooperation with the United States Environmental Protection Agency. The amendment proposed that after December 31, 2003, arsenic-treated lumber may not be manufactured for uses prohibited by the United States Protection Agency and after April 1, 2004, retailers must be in full compliance with the cancellation order issued by the United States Environmental Protection Agency. The amendment proposed to prohibit the admission of the statute pertaining to arsenic-treated wood into evidence in any private-party civil proceeding against any Maine manufacturer, wholesaler, retailer or installer of arsenic-treated wood. The amendment proposed to require the

Joint Standing Committee on Natural Resources

Department of Environmental Protection to develop a disposal plan for the safe management of arsenic-treated wood waste. It proposed to require the Department of Human Services to submit a report on the need for a comprehensive safe drinking water program for private wells to address arsenic. It proposed to require the Real Estate Commission to submit a report on the efforts within the real estate industry to increase awareness among real estate licensees and buyers and sellers of residential real estate of the hazards of arsenic in water supplies and treated wood, the need to test for arsenic in private water supplies and the need to identify and regularly coat with a sealant arsenic-treated wood structures. Finally, the amendment proposed to direct the Department of Environmental Protection to submit a report containing a market evaluation of the sale and uses of arsenic-treated wood that are not prohibited under this legislation. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-508) proposed to prohibit reference to the arsenic-treated wood products statutes in instructions to a jury. This amendment was not adopted.

House Amendment "A" to Committee Amendment "B" (H-507) proposed to strike the language from Committee Amendment "B" that requires a retail establishment that sells arsenic-treated wood or wood products to post signs and label products as specified in the enhanced consumer awareness program. The amendment also proposed to prohibit including in instructions to a jury reference to the arsenic-treated wood products statute and to expand the prohibition of admitting into evidence the arsenic-treated wood products statute in a civil trial to include suits against any, not just Maine, manufacturers, distributors, wholesalers, retailers or installers. This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-545) proposed to remove the ban on the purchase of arsenic-treated wood and wood products by retail businesses and to remove the ban on the sale of those products. The amendment also proposed to define arsenic-treated wood. This amendment was not adopted.

Senate Amendment "A" (S-241) proposed to remove the ban on the purchase of arsenic-treated wood and wood products by retail businesses and to remove the ban on the sale of those products. This amendment was not adopted.

Senate Amendment "B" to Committee Amendment "A" (S-247) proposed to remove the ban on the purchase of arsenic-treated wood and wood products by retail businesses and to remove the ban on the sale of those products. The amendment also proposed to define arsenic-treated wood. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 457 requires the seller of residential real property to provide to the purchaser information developed by the Department of Human Services on arsenic in private water supplies and treated wood. It prohibits, as of September 13, 2003, retail businesses from purchasing arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency. It prohibits, as of April 1, 2004, the sale of arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency. It prohibits the admission of the statute pertaining to arsenic-treated wood into evidence in any private-party civil proceeding against any wholesaler, retailer or installer of arsenic-treated wood. It requires the Department of Environmental Protection to develop a disposal plan for the safe management of arsenic-treated wood waste. It requires the Department of Human Services to submit a report on the need for a comprehensive safe drinking water program for private wells to address arsenic. It requires the Real Estate Commission to submit a report on the efforts within the real estate industry to increase awareness among real estate licensees and buyers and sellers of residential real estate of the hazards of arsenic in water supplies and treated wood, the need to test for arsenic in private water supplies and the need to identify and

Joint Standing Committee on Natural Resources

regularly coat with a sealant arsenic-treated wood structures. Finally, it also directs the Department of Environmental Protection to submit a report that contains a market evaluation of the sale and uses of arsenic-treated wood that are not prohibited under this legislation.

LD 1367

An Act To Amend the Laws Regarding Junkyards, Automobile Graveyards and Automobile Recycling Businesses

PUBLIC 312

Sponsor(s)
HUTTON
TURNER

Committee Report
OTP-AM

Amendments Adopted
H-381

LD 1367 proposed to amend the State's junkyard statutes in several ways for the purpose of improving the ability of municipalities to appropriately license junkyards, automobile recycling businesses and automobile graveyards.

The bill proposed to change the standard that defines an automobile graveyard from 3 or more "unserviceable" motor vehicles to 3 or more uninspected or unregistered motor vehicles and to provide exemptions from regulation for automobile hobbyists, areas used for temporary storage and areas used for temporary storage of operational farm tractors.

The bill also proposed to establish basic operational standards for all junkyards, automobile graveyards and automobile recycling businesses to provide minimal environmental protection. The bill proposed to create a 100-foot setback from bodies of water for the placement of junked automobiles that contain fluids and to increase from 100 feet to 300 feet the setback of newly licensed facilities from public or private drinking water supplies.

The bill also proposed to establish a process to notify abutters of the public hearing held prior to the issuance of any new junkyard's, automobile graveyard's or automobile recycling business's first license and to incorporate into statute fencing and screening standards previously located in the Department of Transportation regulations.

The bill also proposed to clarify the ability of municipalities to enforce the provisions of the State's junkyard law and effect the abatement of junkyard nuisances. The bill proposed to specify that a municipality has 3 available methods to recover the costs of prosecuting a junkyard violation: a civil action, a lien on the real estate or a special tax assessment as municipalities are currently authorized to recover the costs of abating a failed septic system.

Committee Amendment "A" (H-381) proposed to add to the areas that are exempt from the definition of "automobile graveyard" and to the definition of "automobile recycling business." In particular, the amendment proposed to exempt from the definitions new vehicle dealers and insurance salvage pools. The amendment also proposed to exempt from the definition of "automobile graveyard" areas that are used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment. The amendment also proposed to specify that, beginning in 2004, permits issued to automobile graveyards or junkyards are valid until October of the following year. The amendment also proposed to limit the ban on new permits for automobile graveyards or junkyards to areas that are located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery.

Joint Standing Committee on Natural Resources

Enacted Law Summary

Public Law 2003, chapter 312 amends the State's junkyard statutes in several ways for the purpose of improving the ability of municipalities to appropriately license junkyards, automobile recycling businesses and automobile graveyards.

It changes the standard that defines an automobile graveyard from 3 or more "unserviceable" motor vehicles to 3 or more uninspected or unregistered motor vehicles and provides exemptions from regulation for automobile hobbyists, and certain other areas used for storage.

It also establishes basic operational standards for all junkyards, automobile graveyards and automobile recycling businesses to provide minimal environmental protection. It creates a 100-foot setback from bodies of water for the placement of junked automobiles that contain fluids and increases from 100 feet to 300 feet the setback of newly licensed facilities from public or private drinking water supplies.

It also establishes a process to notify abutters of the public hearing held prior to the issuance of any new junkyard's, automobile graveyard's or automobile recycling business's first license and incorporates into statute fencing and screening standards previously located in the Department of Transportation regulations.

It also clarifies the ability of municipalities to enforce the provisions of the State's junkyard law and effect the abatement of junkyard nuisances. It specifies that a municipality has 3 available methods to recover the costs of prosecuting a junkyard violation: a civil action, a lien on the real estate or a special tax assessment as municipalities are currently authorized to recover the costs of abating a failed septic system.

It also specifies that, beginning in 2004, permits issued to automobile graveyards or junkyards are valid until October of the following year.

It also limits the ban on new permits for automobile graveyards or junkyards to areas that are located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery.

LD 1403

An Act To Amend a Requirement Concerning Dioxin

PUBLIC 165

Sponsor(s)
DAIGLE

Committee Report
OTP-AM

Amendments Adopted
H-169

LD 1403 proposed to change the date by which a bleach kraft pulp mill that fails to meet fish-tissue sampling-result requirements for dioxin must demonstrate that its waste discharge is not the source of elevated dioxin in fish or be subject to potential enforcement action by the Department of Environmental Protection and proposed that the demonstration be made annually thereafter.

Committee Amendment "A" (H-169) proposed to change the date, from May 1, 2003 to February 16, 2004, by which the Commissioner of Environmental Protection and the Commissioner of Human Services must submit a comprehensive assessment on the progress in eliminating the discharge of dioxin from bleach kraft pulp mills in the State. The amendment also proposed to delete the annual requirement for the commissioners to submit progress reports.

Joint Standing Committee on Natural Resources

Enacted Law Summary

Public Law 2003, chapter 165 changes the date, from December 31, 2003 to December 31, 2004, by which a bleach kraft pulp mill that fails to meet fish-tissue sampling-result requirements for dioxin must demonstrate that its waste discharge is not the source of elevated dioxin in fish or be subject to potential enforcement action by the Department of Environmental Protection and requires that the demonstration be made annually thereafter. It also changes the date, from May 1, 2003 to February 16, 2004, by which the Commissioner of Environmental Protection and the Commissioner of Human Services must submit a comprehensive assessment on the progress in eliminating the discharge of dioxin from bleach kraft pulp mills in the State. It also deletes the requirement for the commissioners to submit annual progress reports.

LD 1472 **An Act To Protect Maine's Water as a Natural Resource** **ONTP**

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

LD 1472 was a concept draft pursuant to Joint Rule 208. It proposed to enact a law to establish a procedure to provide the State with severance fees on water that is extracted from the State. The proposed law would be similar to laws in other states whereby a state that has oil and minerals extracted from its natural resources base receives severance fees.

LD 1485 **Resolve, To Update Water Quality Criteria** **RESOLVE 39**

<u>Sponsor(s)</u> MARTIN KOFFMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-107
--	-----------------------------------	------------------------------------

LD 1485 proposed to establish requirements related to measurement of dissolved oxygen within riverine impoundments. It proposed to:

1. Amend the bacteria criteria for Class B waters;
2. Amend the dissolved oxygen standard and bacteria standard for Class C waters;
3. Require the Department of Environmental Protection to recommend any needed changes to the dissolved oxygen standard for estuarine and marine waters to the Joint Standing Committee on Natural Resources by January 1, 2004 and authorize the committee to report out related legislation to the Second Regular Session of the 121st Legislature.

Committee Amendment "A" (S-107) proposed to replace the bill. The amendment proposed to direct the Department of Environmental Protection to review and to recommend any needed changes to the bacteria criteria for Class B waters, the bacteria criteria and dissolved oxygen standard for Class C waters and the dissolved oxygen standard for estuarine and marine waters. The amendment also proposed to authorize the Joint Standing Committee

Joint Standing Committee on Natural Resources

on Natural Resources to report out legislation on these issues to the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Resolve 2003, chapter 39 directs the Department of Environmental Protection to review and to recommend any needed changes to the bacteria criteria for Class B waters, the bacteria criteria and dissolved oxygen standard for Class C waters and the dissolved oxygen standard for estuarine and marine waters. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation on these issues to the Second Regular Session of the 121st Legislature.

LD 1493

An Act To Expedite the Removal of Overboard Discharge

PUBLIC 246

Sponsor(s)
DAIGLE

Committee Report
OTP-AM

Amendments Adopted
H-260

LD 1493 proposed to increase the base fee for certain discharges.

The bill proposed to add a definition of "overboard discharge," referencing the existing definition, to the laws governing water protection.

The bill proposed to change the existing grant program from one that determines the amount of grant based on facility use to one that determines the grant based on the applicant's annual income.

The bill proposed to provide grant funds, based on the ability to pay, to anyone removing that person's overboard discharge system, not just to a person whose overboard discharge system is targeted for removal by the grant program.

The bill proposed to require that, prior to transfer of any property with an overboard discharge, the property must be evaluated as to whether an alternative system can be installed and proposed to require the installation of that system if possible.

The bill proposed to eliminate obsolete statutory language.

The bill proposed to consolidate the annual license and inspection fees into one fee. The bill also proposed to consolidate several fee reductions based on income into one fee reduction based on income. It also proposed to clarify the requirement for maintenance contracts for certain types of overboard discharges previously stipulated in the Maine Revised Statutes, Title 38, section 414, subsection 3-B. It also proposed to eliminate language prescribing the number of inspections to be conducted by the department.

The bill proposed to eliminate the waiver of department inspection and additional requirements and penalties for homeowners that choose to hire a private service contractor to maintain their overboard discharge. It also proposed to eliminate the fee reduction for owners who hire a service contractor.

The bill proposed to require that, at the time of relicensing, all overboard discharge owners evaluate whether they have an alternative to the overboard discharge and install the alternative when possible. The bill also proposed to

Joint Standing Committee on Natural Resources

provide that grant money to all owners required to remove overboard discharge must be based on their ability to pay and that, if no grant money is available, the installation may be postponed until grant money is available. The bill proposed to eliminate the conditional permit provision in current law.

The bill proposed to clarify the determination of flow volume and seasonal use and proposed to provide greater flexibility for the homeowner to prove year-round use.

Committee Amendment "A" (H-260) proposed to restrict the Department of Environmental Protection's authority to require the installation of holding tanks on seasonal overboard discharges. The amendment also proposed to delete a section of law that provided for license terms prior to the State's being delegated authority to issue permits under the Federal Water Pollution Control Act. The amendment also proposed to provide that if it has been demonstrated within the past 5 years that there is no alternative to an overboard discharge, the parties to a transfer of the property do not need to determine whether there are any technologically proven alternatives.

Enacted Law Summary

Public Law 2003, chapter 246 does the following:

1. It increases the base fee for certain discharges.
2. It consolidates the annual license and inspection fees into one fee.
3. It consolidates several fee reductions based on income into one fee reduction based on income.
4. It adds a definition of "overboard discharge," referencing the existing definition, to the laws governing water protection.
5. It changes the existing grant program from one that determines the amount of grant based on facility use to one that determines the grant based on the applicant's annual income.
6. It provides grant funds, based on the ability to pay, to anyone removing that person's overboard discharge system, not just to a person whose overboard discharge system is targeted for removal by the grant program.
7. It requires that, prior to transfer of any property with an overboard discharge, the property must be evaluated as to whether an alternative system can be installed and requires the installation of that system if possible. Except that, if it has been demonstrated within the past 5 years that there is no alternative to an overboard discharge, the parties to a transfer of the property do not need to determine whether there are any technologically proven alternatives.
8. It clarifies the requirement for maintenance contracts for certain types of overboard discharges previously stipulated in the Maine Revised Statutes, Title 38, section 414, subsection 3-B and it eliminates language prescribing the number of inspections to be conducted by the department.
9. It eliminates the waiver of department inspection and additional requirements and penalties for homeowners that choose to hire a private service contractor to maintain their overboard discharge. The bill also eliminates the fee reduction for owners who hire a service contractor.
10. It requires that, at the time of relicensing, all overboard discharge owners evaluate whether they have an alternative to the overboard discharge and install the alternative when possible.

Joint Standing Committee on Natural Resources

- 11. It provides that grant money to all owners required to remove overboard discharge must be based on their ability to pay and that, if no grant money is available, the installation may be postponed until grant money is available.
- 12. It eliminates the conditional permit provision in current law.
- 13. It clarifies the determination of flow volume and seasonal use and provides greater flexibility for the homeowner to prove year-round use.
- 14. It eliminates obsolete statutory language.
- 15. It restricts the Department of Environmental Protection's authority to require the installation of holding tanks on seasonal overboard discharges.
- 16. It deletes a section of law that provided for license terms prior to the State being delegated authority to issue permits under the Federal Water Pollution Control Act.

LD 1515 **An Act To Promote and Monitor Competition in the Solid Waste Industry** **PUBLIC 338**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KOFFMAN	OTP-AM	S-163

LD 1515 proposed to impose restrictions on the use of so-called "evergreen" contract clauses in small container commercial trash hauling contracts. The bill proposed that it is the policy of the State to ensure that municipalities and businesses enjoy reasonable, competitive options for the management and disposal of solid waste and proposed to broaden the data collection and reporting responsibilities of the Executive Department, State Planning Office.

Committee Amendment "A" (S-163) proposed to replace the bill. The amendment proposed to require contractors in the small container commercial trash hauling business to notify a customer with a contract containing an automatic renewal provision between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. The amendment also proposed to limit the charge for early termination of a small container commercial trash hauling contract to a maximum of 3 times the current monthly charge. The amendment also proposed to prohibit these contracts from requiring the customer to inform the contractor of the prices or terms offered by competitors. The amendment also proposed that these contract restrictions do not apply to current contracts. The amendment also proposed to require the Executive Department, State Planning Office to report on how changes in available disposal capacity have affected or are likely to affect disposal prices.

Enacted Law Summary

Public Law 2003, chapter 338 requires contractors in the small container commercial trash hauling business to notify a customer with a contract containing an automatic renewal provision between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. It also limits the charge for early

Joint Standing Committee on Natural Resources

termination of a small container commercial trash hauling contract to a maximum of 3 times the current monthly charge. It also prohibits these contracts from requiring the customer to inform the contractor of the prices or terms offered by competitors. It also provides that these contract restrictions do not apply to current contracts. It also requires the Executive Department, State Planning Office to report on how changes in available disposal capacity have affected or are likely to affect disposal prices.

LD 1529

An Act To Reclassify Certain Waters of the State

PUBLIC 317

<u>Sponsor(s)</u> COLWELL MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-373
--	-----------------------------------	------------------------------------

LD 1529 proposed to provide a list of recommendations that the Board of Environmental Protection is making to the Legislature pursuant to the guidance for reclassification of waters provided in the Maine Revised Statutes, Title 38, section 464, subsection 2. This list includes many waters where recent water quality investigations indicate that quality of a higher class has been achieved, as required in Title 38, section 464, subsection 4, paragraph F, subparagraph (4). Additionally, some waters are proposed when the expectation to achieve a higher classification has been found to be desirable and feasible. This bill also proposed the addition of the new designated use of subsistence fishing for certain segments of the Penobscot River. The bill proposed that the Board of Environmental Protection adopt routine technical rules no later than March 1, 2004 that establish water quality criteria protective of human health for toxic pollutants in the segments having subsistence fishing as a designated use.

Committee Amendment "A" (H-373) proposed to remove certain proposed reclassifications from the bill and authorize the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 121st Legislature in connection with those matters. The amendment also proposed to remove the proposal to add a new designated use of subsistence fishing for certain segments of the Penobscot River and proposed to authorize the joint standing committee to report out legislation to the Second Regular Session of the 121st Legislature in connection with that issue. The amendment also proposed to reclassify as Class A certain waters that are currently Class B and were proposed in the bill to be classified as Class AA. The amendment also proposed to provide for license limits for total residual chlorine and bacteria for existing discharges of wastewater on a segment of the Kennebec River in Augusta.

Enacted Law Summary

Public Law 2003, chapter 317 makes changes in the classification of waters of the state. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 121st Legislature on reclassifications that were proposed in LD 1529 but not included in chapter 317 and on defining and identifying subsistence fishing as a designated use for certain waters. It also provides for license limits for total residual chlorine and bacteria for existing discharges of wastewater on a segment of the Kennebec River in Augusta, retroactively to January 1, 2003.

Joint Standing Committee on Natural Resources

LD 1547

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

PUBLIC 245

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN MARTIN	OTP-AM	H-298

LD 1547 proposed to correct an inadvertent error and inconsistency created last session when the open burning statute was amended.

It proposed to increase the cap on allocations for the Board of Environmental Protection Fund within the Department of Environmental Protection from \$250,000 annually to \$325,000 annually to meet rising personnel salary and benefit costs for the next several years, including the filling of the Executive Analyst position in the past biennium, and a rise in operating costs, due to a modest increase in general workload from broader public involvement in the licensing and appeal processes, which has resulted in more frequent meetings of the board. The last increase in the allocation cap was in 1997.

It proposed to clarify the statute governing the Department of Environmental Protection's enforcement authority. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. Municipalities consistently have 80K actions commenced by both certified nonlawyer code enforcement officers and town attorneys. The department has historically not had employees who are also licensed active members of the bar file cases on the department's behalf since the rule is ambiguous as to whether such a practice is appropriate. This proposed change in the law makes clear that a department practice consistent with current municipal practices is appropriate.

It proposed to repeal the enabling language for the requirement of priority studies because the tasks described in the statute have been completed and the project is no longer active.

It proposed to clarify that an action in court can not be determined to start at any point prior to compliance with court rules. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. There is ambiguity between the Maine Revised Statutes, Title 38, section 347-A and the Maine Rules of Civil Procedure, Rule 3 as to the point in time when an action in District Court should be considered to have been initiated.

It proposed to repeal the requirement of annual reporting to the Legislature by the Commissioner of Environmental Protection on unavoidable malfunctions.

It proposed to amend the statutes to change a hearing and reporting requirement concerning classification standards from once every 3 years to once every 4 years.

It proposed to amend the statutes to make the creation of a wetland compensation fee program optional rather than mandatory, to specifically add municipalities to the types of organizations that may create a wetland compensation fee program, to delete the mandatory annual reporting requirement for any such program and to delete the requirement that funds from such a program are turned over to the department if the department's authorization of that program is revoked.

Joint Standing Committee on Natural Resources

It proposed to repeal the requirement of annual reporting to the Legislature on the wetlands compensation fee program.

It proposed to repeal the provision that repeals the wetland compensation fee program effective October 15, 2003.

It proposed to make the changes necessary to extend the sunset date for coverage of oil spill cleanup costs by the Ground Water Oil Clean-up Fund. The fund covers cleanup costs for spills from aboveground or underground oil tanks through December 31, 2005, at which point fund coverage, also called the fund insurance program, is repealed under current law. This bill proposed to extend the fund insurance program by 5 years to December 31, 2010.

It proposed to incorporate by reference the latest version of the federal regulations governing spill prevention and control at aboveground oil storage facilities. The purpose of this change is to ensure state and federal requirements are consistent with each other.

Committee Amendment "A" (H-298) proposed to change a date to correspond to the latest version of the federal regulations governing spill prevention and control at aboveground oil storage facilities.

Enacted Law Summary

Public Law 2003, chapter 245 does the following:

1. It corrects an inadvertent error and inconsistency created last session when the open burning statute was amended.
2. It increases the cap on allocations for the Board of Environmental Protection Fund within the Department of Environmental Protection from \$250,000 annually to \$325,000 annually to meet rising personnel salary and benefit costs for the next several years, including the filling of the Executive Analyst position in the past biennium, and a rise in operating costs, due to a modest increase in general workload from broader public involvement in the licensing and appeal processes, which has resulted in more frequent meetings of the board. The last increase in the allocation cap was in 1997.
3. It clarifies the statute governing the Department of Environmental Protection's enforcement authority. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. Municipalities consistently have 80K actions commenced by both certified nonlawyer code enforcement officers and town attorneys. The department has historically not had employees who are also licensed active members of the bar file cases on the department's behalf since the rule is ambiguous as to whether such a practice is appropriate. This change in the law makes clear that a department practice consistent with current municipal practices is appropriate.
4. It repeals the enabling language for the requirement of priority studies because the tasks described in the statute have been completed and the project is no longer active.
5. It clarifies that an action in court can not be determined to start at any point prior to compliance with court rules. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. There is ambiguity between the Maine Revised Statutes, Title 38, section 347-A and the Maine Rules of Civil Procedure, Rule 3 as to the point in time when an action in District Court should be considered to have been initiated.

Joint Standing Committee on Natural Resources

6. It repeals the requirement of annual reporting to the Legislature by the Commissioner of Environmental Protection on unavoidable malfunctions.
7. It amends the statutes to change a hearing and reporting requirement concerning classification standards from once every 3 years to once every 4 years.
8. It amends the statutes to make the creation of a wetland compensation fee program optional rather than mandatory, specifically adds municipalities to the types of organizations that may create a wetland compensation fee program, deletes the mandatory annual reporting requirement for any such program and deletes the requirement that funds from such a program are turned over to the department if the department's authorization of that program is revoked.
9. It repeals the requirement of annual reporting to the Legislature on the wetlands compensation fee program.
10. It repeals the provision that repeals the wetland compensation fee program effective October 15, 2003.
11. It makes the changes necessary to extend the sunset date for coverage of oil spill cleanup costs by the Ground Water Oil Clean-up Fund. The fund covers cleanup costs for spills from aboveground or underground oil tanks. It extends the fund insurance program by 5 years to December 31, 2010.
12. It incorporates by reference the latest version of the federal regulations governing spill prevention and control at aboveground oil storage facilities. The purpose of this change is to ensure state and federal requirements are consistent with each other.

LD 1549

An Act To Fund Municipal Collection of Household Hazardous Waste

P & S 30

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	H-494
	OTP-AM B	S-303 CATHCART
	ONTP C	

LD 1549 proposed to generate revenue for the purpose of providing state cost share support for the operational costs incurred by municipalities in the management of household hazardous waste. Under the proposal, revenue would be generated by imposing a 20¢ fee on the retail sale of architectural coatings sold in containers of one gallon and on each unit of general use pesticide distributed for retail sale in this State.

Committee Amendment "A" (H-494) was the majority report of the Joint Standing Committee on Natural Resources. It proposed to replace the bill. The amendment proposed to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund to provide state cost share support for household hazardous waste collection programs. It proposed to require that principal and interest payments received in the Waste Reduction and Recycling Loan Fund be deposited in the Maine Solid Waste Management Fund within 60 days of receipt. It proposed that beginning January 1, 2005, revenue would be generated by imposing a 20¢ fee on the retail sale of architectural coatings and on general use pesticide distributed for retail sale in the State. The Department of Agriculture, Food and Rural Resources, Board of Pesticides Control would collect the pesticide fee and the Department of Administrative and Financial Services, Bureau of Revenue Services would collect the architectural coatings fee. It also proposed that the Joint Standing Committee on Natural

Joint Standing Committee on Natural Resources

Resources be authorized to report out legislation during the Second Regular Session of the 121st Legislature concerning alternate sources of funding for municipal collection of household hazardous waste. This amendment also proposed to add an appropriation and allocation section to the bill.

Committee Amendment "B" (H-495) was a minority report of the Joint Standing Committee on Natural Resources. It proposed to replace the bill. The amendment proposed to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund to provide state cost share support for operational costs for household hazardous waste collection programs for 2 years. It proposed to require that principal and interest payments received in the Waste Reduction and Recycling Loan Fund be deposited in the Maine Solid Waste Management Fund within 60 days of receipt. This amendment also proposed to add an appropriation section. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-526) proposed to exempt a container of general use pesticide distributed within this State for use by a commercial agricultural producer or a certified pesticide applicator from the fee on general use pesticides. It also proposed that revenues derived from the fees imposed by the Maine Revised Statutes, Title 36, chapter 721 and Title 22, section 1471-W must be transferred from the Maine Solid Waste Management Fund in accordance with certain provisions of law. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-303) proposed to require the Finance Authority of Maine to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund administered by the Executive Department, State Planning Office and the Department of Environmental Protection by June 30, 2004. This amendment also proposed to require the Finance Authority of Maine to transfer principal and interest repayments received in the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund within 60 days of receipt. The Finance Authority of Maine estimated the average annual principal and interest repayments to be approximately \$46,478 per year with the last payment date of the current loans outstanding being November 2017.

As proposed, the additional revenue is intended to provide state cost share support for the operational costs incurred by municipalities in the management of household hazardous waste. At least 90% of these funds must be allocated to the State Planning Office, 5% may be transferred to the Department of Environmental Protection and 5% may be transferred to the Department of Agriculture, Food and Rural Resources to carry out the purposes of this amendment. The additional costs associated with administering this proposed state cost share program to municipalities can be absorbed by the State Planning Office utilizing existing budgeted resources.

The amendment also proposed that the Department of Environmental Protection conduct a study regarding ongoing sources of funding for municipal collection of hazardous waste. It also proposed that the Joint Standing Committee on Natural Resources report out legislation during the Second Regular Session concerning ongoing sources of funding.

Enacted Law Summary

Private and Special Law 2003, chapter 30 requires the Finance Authority of Maine to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund administered by the Executive Department, State Planning Office and the Department of Environmental Protection by June 30, 2004. It also requires the Finance Authority of Maine to transfer principal and interest repayments received in the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund within 60 days of receipt. The Finance Authority of Maine estimates the average annual principal and interest repayments to be approximately \$46,478 per year with the last payment date of the current loans outstanding being November 2017.

Joint Standing Committee on Natural Resources

The additional revenue is intended to provide state cost share support for the operational costs incurred by municipalities in the management of household hazardous waste. At least 90% of these funds must be allocated to the State Planning Office, 5% may be transferred to the Department of Environmental Protection and 5% may be transferred to the Department of Agriculture, Food and Rural Resources to carry out the purposes of this chapter. The additional costs associated with administering this state cost share program to municipalities can be absorbed by the State Planning Office utilizing existing budgeted resources.

Chapter 30 also requires the Department of Environmental Protection to conduct a study regarding ongoing sources of funding for municipal collection of hazardous waste. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session of the 121st Legislature concerning ongoing sources of funding.

LD 1570

An Act Concerning Storm Water Management

**PUBLIC 318
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-151

LD 1570 proposed to amend Maine's storm water management law to extend the review period for applicants proposing solely vegetative means to control storm water from 30 to 45 calendar days and the review period for applicants proposing to use structural means from 60 to 90 days.

It proposed to allow the discharge of storm water to waters having a drainage area of less than 10 square miles if the discharge is in conformance with state and local requirements.

It proposed that certain discharge limitations do not apply to the discharge of storm water.

It proposed that storm water discharges to Class A waters must be in compliance with state and local requirements.

It proposed to change the allocation of the law prohibiting the placement of materials on the banks of Class A waters in any manner so that the transfer of pollutants into the waters is likely.

The bill also proposed to require the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2004. As proposed, the report must include recommendations for improving the effectiveness of storm water management in this State and include rules provisionally adopted pursuant to the Maine Revised Statutes, Title 38, sections 413 and 420-D that regulate storm water discharges to impaired waters from existing development where necessary to allow restoration of water quality and from new development both during and after construction. The bill proposed to require the department to consult with state and federal agencies and environmental and business interest groups when considering recommendations. As proposed, the Joint Standing Committee on Natural Resources may report out legislation related to storm water management to the Second Regular Session of the 121st Legislature.

Committee Amendment "A" (S-151) proposed to change the review period for individual permits for projects using vegetative buffers back to 30 days, which is the review period currently in law. The amendment also proposed to clarify that material may not be deposited on the banks of Class A waters in any manner that makes transfer of pollutants into the waters likely. The amendment also proposed to remove the requirement that the

Joint Standing Committee on Natural Resources

recommendation of the Department of Environmental Protection include provisionally adopted rules and instead proposed that the recommendations may include draft rules.

House Amendment "A" to Committee Amendment "A" (H-368) proposed to prohibit a deposit of materials on the banks of Class A waters that makes the negligent transfer of pollutants into the waters imminent. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 318 amends Maine's storm water management law to extend the review period for applicants proposing to meet the standards by using structural means from 60 to 90 days. It allows the discharge of storm water to waters having a drainage area of less than 10 square miles if the discharge is in conformance with state and local requirements. It provides that certain discharge limitations do not apply to the discharge of storm water. It provides that storm water discharges to Class A waters must be in compliance with state and local requirements. It clarifies that material may not be deposited on the banks of Class A waters in any manner that makes transfer of pollutants into the waters likely.

Chapter 318 requires the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2004. The report must include recommendations for improving the effectiveness of storm water management in this State and may include draft rules that regulate storm water discharges to impaired waters from existing development where necessary to allow restoration of water quality and from new development both during and after construction. The department shall consult with state and federal agencies and environmental and business interest groups when considering recommendations. The Joint Standing Committee on Natural Resources may report out legislation related to storm water management to the Second Regular Session of the 121st Legislature.

Public Law 2003, chapter 318 was enacted as an emergency measure effective May 27, 2003.

LD 1604

An Act To Expedite the Drilling of Private Drinking Water Wells

PUBLIC 373

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN LUNDEEN	OTP-AM	S-224

LD 1604 proposed to exempt excavators constructing water wells from certain notification requirements of excavation laws when operating on private property away from the location of underground facilities.

Committee Amendment "A" (S-224) proposed to replace the bill. It proposed to allow all excavators to begin excavation immediately in locations in which all facility owners have indicated to the excavator or to the system that no underground facilities exist. The amendment also proposed to direct the Public Utilities Commission to establish by rule notice requirements for excavation associated with drinking water well construction. The rules are major substantive rules and must be submitted to the Joint Standing Committee on Utilities and Energy by February 1, 2004.

Joint Standing Committee on Natural Resources

Enacted Law Summary

Public Law 2003, chapter 373 allows all excavators to begin excavation immediately in locations in which all facility owners have indicated to the excavator or to the system that no underground facilities exist. It also directs the Public Utilities Commission to establish by rule notice requirements for excavation associated with drinking water well construction. The rules are major substantive rules and must be submitted to the Joint Standing Committee on Utilities and Energy by February 1, 2004.

LD 1617 **An Act To Improve Subdivision Standards** **CARRIED OVER**

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

LD 1617 proposes to prohibit subdivisions that convert the primary use of the land from timberland to nontimberland use in situations when the land being subdivided has changed ownership in the 5 years preceding the subdivision application and when the subdivision exceeds 100 acres alone or in conjunction with other similar divisions created within 5 years out of the same parcel of land that resulted in conversion of the primary use of those subdivisions from timberland to nontimberland use. The bill would apply to subdivisions reviewed by the Maine Land Use Regulation Commission and to subdivisions reviewed by a municipal reviewing authority. LD 1617 was carried over to the Second Regular Session.

LD 1626 **Resolve, To Authorize the State To Purchase a Landfill in the City of Old Town** **RESOLVE 93**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CATHCART	OTP-AM MAJ ONTP MIN	H-563 S-312 MARTIN

LD 1626 proposed to authorize the Executive Department, State Planning Office to acquire, own and operate a preexisting, Department of Environmental Protection-approved and generator-owned solid waste disposal facility located in Old Town and to enter into such contracts as the office determines are necessary or appropriate to effect this transaction. The resolve further proposed that municipal regulation of the facility would not be the same as for any other disposal facilities owned by the State. The resolve also proposed that the City of Old Town would be afforded the specified host community benefit, power and responsibility with respect to the facility as currently provided in state law. Finally, the resolve proposed to require the State Planning Office to submit a report to the Joint Standing Committee on Natural Resources on the process of acquiring the disposal facility and reviewing the facility's operation.

Committee Amendment "A" (H-563) proposed to replace the resolve. It proposed to authorize the Executive Department, State Planning Office to acquire, subject to a possibility of reverter to the seller, own and cause to be operated an existing, Department of Environmental Protection-licensed and generator-owned solid waste disposal facility located in Old Town under terms and conditions that are revenue-neutral to the State. The amendment proposed to authorize the State Planning Office to enter into such contracts as the office determines are necessary or appropriate. The amendment proposed to require that the acquisition agreement provide that the current owner is

Joint Standing Committee on Natural Resources

responsible for environmental liability associated with the operation of the disposal facility prior to acquisition by the office. The amendment proposed to require that the agreement for the operation of the disposal facility be established through competitive bidding and that the operator must indemnify the office for liabilities and costs of the office resulting from the acquisition, development and operation of the disposal facility. The amendment proposed to require the State Planning Office to require persons submitting proposals to submit a nonrefundable deposit to offset the office's costs associated with the transactions and the cost to the City of Old Town and the Town of Alton to establish a joint citizen advisory committee. The amendment proposed to provide that the resolve does not abrogate the sovereign immunity of the State with respect to the acquisition agreement. The amendment proposed to provide that the City of Old Town may not regulate the disposal facility. However, the amendment proposed to require the City of Old Town and the Town of Alton to establish a joint citizen advisory committee with the same host community responsibilities as currently provided in state law. The amendment also proposed to require the State Planning Office to submit a report to the Joint Standing Committee on Natural Resources on the process of acquiring the disposal facility and reviewing the facility's operation.

Senate Amendment "A" to Committee Amendment "A" (S-312) proposed to allow the City of Old Town to enact an ordinance that regulates the expansion of the disposal facility as long as the ordinance does not contain stricter standards than certain standards contained in the Maine Revised Statutes, Title 38, chapters 3 and 13.

Enacted Law Summary

Resolve 2003, chapter 93 authorizes the Executive Department, State Planning Office to acquire, subject to a possibility of reverter to the seller, own and cause to be operated an existing, Department of Environmental Protection-licensed and generator-owned solid waste disposal facility located in Old Town under terms and conditions that are revenue-neutral to the State. It authorizes the State Planning Office to enter into such contracts as the office determines are necessary or appropriate. It requires that the acquisition agreement provide that the current owner is responsible for environmental liability associated with the operation of the disposal facility prior to acquisition by the office. It requires that the agreement for the operation of the disposal facility be established through competitive bidding and that the operator must indemnify the office for liabilities and costs of the office resulting from the acquisition, development and operation of the disposal facility. It requires the State Planning Office to require persons submitting proposals to submit a nonrefundable deposit to offset the office's costs associated with the transactions and the cost to the City of Old Town and the Town of Alton to establish a joint citizen advisory committee. It provides that the resolve does not abrogate the sovereign immunity of the State with respect to the acquisition. It provides that the City of Old Town may not regulate the disposal facility, except that the City may enact an ordinance that regulates the expansion of the disposal facility as long as the ordinance does not contain stricter standards than certain standards contained in the Maine Revised Statutes, Title 38, chapters 3 and 13. It requires the City of Old Town and the Town of Alton to establish a joint citizen advisory committee with the same host community responsibilities as currently provided in state law. It also requires the State Planning Office to submit a report to the Joint Standing Committee on Natural Resources on the process of acquiring the disposal facility and reviewing the facility's operation.