

*Joint Standing Committee on Natural Resources*

**LD 40**

**An Act To Amend the Licensing and Certification Requirements  
Relating to Asbestos Abatement Activities**

**PUBLIC 52**

<u>Sponsor(s)</u> MAYO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-66
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LD 40 proposed to require that all persons engaging in asbestos abatement activities, except asbestos abatement activities related to disposal undertaken at licensed asbestos disposal sites, be subject to licensing and certification requirements.

**Committee Amendment "A" (S-66)** proposed to clarify that the Commissioner of Environmental Protection may waive the licensing or certification requirement for asbestos abatement activities undertaken by persons licensed by the Oil and Solid Fuel Board who perform emergency repair, installation, removal or servicing of heating equipment in single-unit residential buildings.

*Enacted law summary*

Public Law 2005, chapter 52 requires that all persons engaging in asbestos abatement activities, except asbestos abatement activities related to disposal undertaken at licensed asbestos disposal sites, be subject to licensing and certification requirements. It also clarifies that the Commissioner of Environmental Protection may waive the licensing or certification requirement for asbestos abatement activities undertaken by persons licensed by the Oil and Solid Fuel Board who perform emergency repair, installation, removal or servicing of heating equipment in single-unit residential buildings.

**LD 72**

**An Act To Promote Sound Science in Climate Change Policy**

**PUBLIC 144**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-274
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LD 72 proposed to require that, when the Department of Environmental Protection adopts rules designed to reduce greenhouse gas emissions, the department must issue an estimate of the amount of global warming that will be prevented and the costs that will result from the rules requiring reduction in greenhouse gas emissions.

**Committee Amendment "A" (H-274)**, the majority report, replaced the bill and changed its title. It proposed to direct the Department of Environmental Protection to include in its biennial climate change evaluation a review of the cost-effectiveness of the actions taken toward meeting the greenhouse gas emissions reduction goals. It also proposed to require the department to submit a report of its evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters and it proposed to authorize the committee to report out legislation relating to the evaluation to the second regular session of any Legislature.

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### Enacted law summary

Public Law 2005, chapter 144 directs the Department of Environmental Protection to include in its biennial climate change evaluation a review of the cost-effectiveness of the actions taken toward meeting the greenhouse gas emissions reduction goals. It also requires the department to submit a report of its evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters and it authorizes the committee to report out legislation relating to the evaluation to the second regular session of any Legislature.

#### **LD 99                      An Act To Include Specific Bodies of Water within Class C Standards                      ONTP**

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

LD 99 proposed to require all Class C waters to meet a 6.5 parts per million dissolved oxygen 30-day average standard whenever the daily water temperature is equal to or less than 24 degrees centigrade or the ambient temperature of the water body, whichever is lower.

#### **LD 141                      An Act To Ensure Proper Disposal of Debris and Protection of the Environment                      CARRIED OVER**

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

LD 141 proposes to ban the disposal in a landfill or in an incineration facility of debris resulting from construction, remodeling, repair and demolition of structures unless the structure from which the debris originated is or was located in this State. LD 141 was carried over by H. P. 1203 to any special or regular session of the 122<sup>nd</sup> Legislature.

#### **LD 183                      An Act Relating to the Definition of Indigenous Species                      ONTP**

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

LD 183 proposed to require the Commissioner of Inland Fisheries and Wildlife to define by rule "indigenous" as it pertains to plant and animal species. The proposed bill would give that definition priority over any other definition of "indigenous" referring to a plant or animal in law or rule.

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LD 185

An Act To Amend the Law on Mercury-added Products

PUBLIC 148

<u>Sponsor(s)</u> KOFFMAN COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-271
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LD 185 proposed to do the following:

1. Authorize municipal code enforcement officers to enforce the prohibition on the crushing of motor vehicles without first removing any mercury switches;
2. Define the term "scrap recycling facility" as used in the law governing removal of mercury switches from motor vehicles;
3. Prohibit the sale of mercury-added lamps after January 1, 2006 unless, as currently is the case for other mercury-added products, the lamps have a label indicating that they contain mercury;
4. Clarify the prohibition of scrapping motor vehicles without first removing any mercury switches; and
5. Increase the amount that automobile manufacturers must pay in compensation for the costs of removing the mercury switches from motor vehicles.

**Committee Amendment "A" (H-271)** proposed to exempt products that contain mercury-added lamps from the labeling requirement. It also proposed that compliance with the labeling requirement can be met by complying with similar requirements adopted by another state.

*Enacted law summary*

Public Law 2005, chapter 148:

1. Authorizes municipal code enforcement officers to enforce the prohibition on the crushing of motor vehicles without first removing any mercury switches;
2. Defines the term "scrap recycling facility" as used in the law governing removal of mercury switches from motor vehicles;
3. Prohibits the sale of mercury-added lamps after January 1, 2006 unless, as currently is the case for other mercury-added products, the lamps have a label indicating that they contain mercury. Chapter 148 exempts products that contain mercury-added lamps from the labeling requirement and it provides that compliance with the labeling requirement can be met by complying with similar requirements adopted by another state;
4. Clarifies the prohibition of scrapping motor vehicles without first removing any mercury switches; and
5. Increases the amount that automobile manufacturers must pay in compensation for the costs of removing the mercury switches from motor vehicles.

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LD 193

### An Act To Strengthen Wildlife Habitat Protection

ONTP

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

LD 193 proposed to eliminate the mapping requirements for 3 types of significant wildlife habitat: high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas; shorebird nesting, feeding and staging areas and seabird nesting islands; and significant vernal pools.

LD 261

### An Act Concerning Significant Wildlife Habitat and Wetlands of Special Significance

PUBLIC 116

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN PERRY J	OTP-AM	H-193

LD 261 proposed to add a clarification of "timber harvesting" within the definition of "forest management activities" to improve consistency between the natural resources protection laws and the Maine Revised Statutes, Title 12, section 8868. It also proposed to remove language in the definition of "significant wildlife habitat" in the natural resources protection laws that requires significant vernal pools to be identified in a specific location. Instead, significant vernal pool habitat would be required to meet specific criteria to be considered as "significant wildlife habitat." Criteria for identification of significant vernal pools and associated management areas were proposed to be established through rule.

The bill also proposed to add a limitation to the existing exemption for minor alterations in freshwater wetlands by providing that the exemption would not be available if the proposed activity would occur in a wetland containing a natural community that is critically imperiled, S1, or imperiled, S2, as defined by the Natural Areas Program, in a significant wildlife habitat or in a wetland area that is inundated with floodwater during a 100-year flood event.

**Committee Amendment "A" (H-193)** proposed to remove the requirement that significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas be mapped through a formal rule-making process. Instead, the habitats would be required to meet specific criteria adopted through major substantive rulemaking. For solely forest management activities, significant wildlife habitat would be mapped through formal rulemaking. The amendment also proposed to delete from the bill certain proposed limitations to the existing exemption for minor alterations in freshwater wetlands.

#### *Enacted law summary*

Public Law 2005, chapter 116 adds a definition of "timber harvesting" within the definition of "forest management activities" to improve consistency between the natural resources protection laws and the Maine Revised Statutes, Title 12, section 8868.

It adds a limitation to the existing exemption for minor alterations in freshwater wetlands by providing that the exemption would not be available if the proposed activity would occur in a significant wildlife habitat.

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It removes the requirement that significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas be mapped through a formal rule-making process. Instead, the habitats must meet specific criteria adopted through major substantive rulemaking. For solely forest management activities, significant wildlife habitat must be mapped through formal rulemaking.

**LD 271**                      **An Act To Allow Counties To Recover the Cost of Cleaning Up Hazardous Spills**                      **PUBLIC 100**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER KOFFMAN	OTP-AM	S-87

LD 271 proposed to entitle counties to reimbursement for removal costs associated with prohibited discharges of hazardous materials.

**Committee Amendment "A" (S-87)** proposed to authorize a county, at the request of one or more municipalities, to sue for recovery on their behalf for removal costs associated with prohibited discharges of hazardous materials. It also proposed to provide for the recovery of legal costs and attorney's fees associated with the legal action.

### *Enacted law summary*

Public Law 2005, chapter 100 entitles counties to reimbursement for removal costs associated with prohibited discharges of hazardous materials. It authorizes a county, at the request of one or more municipalities, to sue for recovery on their behalf for removal costs associated with prohibited discharges of hazardous materials. It also provides for the recovery of legal costs and attorney's fees associated with the legal action.

**LD 286**                      **Resolve, Directing a Review of Comprehensive Planning and Growth Management in Maine**                      **RESOLVE 73**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM	H-476

LD 286 proposed to eliminate the State Planning Office within the Executive Department.

**Committee Amendment "A" (H-166)** proposed to replace the original bill. The amendment was the majority report of the State and Local Government Committee. It proposed to remove the option of a municipality or multimunicipal region that has not yet received a planning grant to submit its comprehensive plan to the Executive Department, State Planning Office for review; eliminate the process for a municipality or multimunicipal region to periodically revise its growth management program to account for changes; remove the responsibility of the State Planning Office to review comprehensive land use plans and growth management programs and issue certificates of consistency; remove the responsibility of the State Planning Office to review rate-of-growth, impact fee and zoning ordinances to determine whether they are consistent with a comprehensive plan; remove the need for a positive review of comprehensive plans by the State Planning Office for a

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municipality or multimunicipal region to receive state capital investments; remove the provision that the State Planning Office decision on consistency of a comprehensive plan or growth management program constitutes final agency action and make clear that review is advisory only. This amendment was not adopted.

**Committee Amendment "B" (H-476)**, the unanimous report of the Natural Resources Committee, proposed to direct the Executive Department, State Planning Office, along with an advisory group, to undertake a study of current state law, policy and procedures regarding land use planning, management and regulation, including a review of the procedures, policies and rules of the office for reviewing comprehensive plans; a review of local efforts to implement the growth management laws and the State's efforts to support the laws; and development of options for improvement of comprehensive planning statewide. The proposed amendment would direct the office to submit a report by February 1, 2006 and authorize the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 122<sup>nd</sup> Legislature.

### Enacted law summary

Resolve 2005, chapter 73 directs the Executive Department, State Planning Office, along with an advisory group, to undertake a study of current state law, policy and procedures regarding land use planning, management and regulation, including a review of the procedures, policies and rules of the office for reviewing comprehensive plans; a review of local efforts to implement the growth management laws and the State's efforts to support the laws; and development of options for improvement of comprehensive planning statewide. It directs the office to submit a report by February 1, 2006 and authorizes the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 122<sup>nd</sup> Legislature.

**LD 293**

### **An Act To Ensure Financial Solvency in Maine's Air and Wastewater Licensing Programs**

**PUBLIC 157**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM MAJ	H-243
COWGER	OTP-AM MIN	

LD 293 proposed to establish a fee of up to \$350 for a general permit for industrial stormwater discharges issued pursuant to the waste discharge laws. The bill also proposed to authorize disbursements from the Ground Water Oil Clean-up Fund to pay costs incurred by the Department of Environmental Protection to monitor and regulate air emissions from the distribution and use of oil.

**Committee Amendment "A" (H-243)**, the majority report, proposed to remove from the bill the annual fee for general permit coverage for industrial storm water discharges and instead proposed to authorize the Department of Environmental Protection to assess a one-time fee of up to \$350 for general permit coverage for industrial storm water discharges until September 30, 2006. The amendment also proposed to direct the Department of Environmental Protection to prepare a report on the fees assessed in connection with the general permit for industrial storm water discharges. The report would be submitted to the Joint Standing Committee on Natural Resources by January 30, 2006, and the committee would be authorized to report out legislation dealing with the fee report to the Second Regular Session of the 122<sup>nd</sup> Legislature. The amendment also proposed to delete language in the bill authorizing disbursements from the Ground Water Oil Clean-up Fund to pay costs incurred by the Department of Environmental Protection to monitor and regulate air emissions from the distribution and use of oil. The amendment also proposed to direct the Department of Environmental Protection to prepare and implement a plan to train program personnel to conduct cross-media compliance inspections of gasoline stations

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and to prepare a report regarding the feasibility and advisability of conducting a pilot program using state-certified inspectors to conduct gasoline station compliance inspections.

**Committee Amendment "B" (H-244)**, the minority report, proposed to remove from the bill the annual fee for general permit coverage for industrial storm water discharges and to provide that the Department of Environmental Protection may not assess a fee for general permit coverage for industrial storm water discharges. It also proposed that consideration of any appropriation or allocation for implementation of a program for industrial storm water discharges must be included in consideration of the budget for the Department of Environmental Protection, Bureau of Land and Water Quality. The amendment also proposed to delete language in the bill authorizing disbursements from the Ground Water Oil Clean-up Fund to pay costs incurred by the Department of Environmental Protection to monitor and regulate air emissions from the distribution and use of oil. The amendment also proposed to direct the Department of Environmental Protection to prepare and implement a plan to train program personnel to conduct cross-media compliance inspections of gasoline stations and to prepare a report regarding the feasibility and advisability of conducting a pilot program using state-certified inspectors to conduct gasoline station compliance inspections. This amendment was not adopted.

### ***Enacted law summary***

Public Law 2005, chapter 157 authorizes the Department of Environmental Protection to assess a one-time fee of up to \$350 for general permit coverage for industrial storm water discharges until September 30, 2006. It also directs the Department of Environmental Protection to prepare a report on the fees assessed in connection with the general permit for industrial storm water discharges. The report must be submitted to the Joint Standing Committee on Natural Resources by January 30, 2006, and the committee is authorized to report out legislation dealing with the fee report to the Second Regular Session of the 122nd Legislature. Chapter 157 also directs the Department of Environmental Protection to prepare and implement a plan to train program personnel to conduct cross-media compliance inspections of gasoline stations and to prepare a report regarding the feasibility and advisability of conducting a pilot program using state-certified inspectors to conduct gasoline station compliance inspections. Finally, it increases the cap on disbursements for personal services from the Ground Water Oil Clean-up Fund.

**LD 315**                      **An Act To Prohibit the Privatization of Drinking Water Supply Sources**                      **ONTP**

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 315 proposed to declare the drinking water supplies in this State to be public resources that may not be privately owned.

**LD 342**                      **An Act To Encourage Reuse of Glass Bottles**                      **ONTP**

<u>Sponsor(s)</u> PERRY J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 342, a concept draft pursuant to Joint Rule 208, proposed to require that companies that sell beer and soda in glass bottles wash and reuse the glass bottles.

**LD 381**                      **An Act To Enhance the Safe Disposal of Household Hazardous Waste**                      **ONTP**

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

LD 381 proposed to require municipal officials in each county to work together to designate an existing transfer station or recycling center in each county to accept household hazardous waste for disposal by residents of that county on a year-round basis. The bill would allow municipal officials to impose fees for the disposal of such household hazardous waste.

**LD 387**                      **An Act To Waive Application Fees on Certain Department of Environmental Protection and Department of Transportation Projects**                      **ONTP**

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

LD 387 proposed to require the Commissioner of Environmental Protection and the Commissioner of Transportation to waive the application or processing fee for projects with anticipated costs that are less than \$2,000,000.

**Committee Amendment "A" (H-154)**, the minority report, proposed to incorporate a fiscal note. This amendment was not adopted.

**LD 403**                      **An Act To Repeal the Minimum Penalty for Environmental Violations**                      **ONTP**

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

LD 403 proposed to remove the minimum penalty of \$100 per day. Under current law, a person who violates a law administered by the Department of Environmental Protection is subject to a civil penalty of not less than \$100 for each day of that violation.

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**LD 406**

**An Act To Amend the Dates Associated with the State's Recycling and Waste Reduction Goals**

**PUBLIC 220**

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-134
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LD 406 proposed to accomplish the following.

1. Eliminate language that limited the application of contracts for the provision of small containerized solid waste hauling services.
2. Extend the date by which the State's recycling goal of 50% must be met.
3. Establish the State's waste reduction goal of 5% as a biennial rather than an annual reduction and extend the date by which the goal must be met.

**Committee Amendment "A" (S-134)** proposed to change the title of the bill to more accurately reflect the content of the bill.

***Enacted law summary***

Public Law 2005, chapter 220 accomplishes the following.

1. It eliminates language that limited the application of restrictions on contracts for the provision of small containerized solid waste hauling services.
2. It extends the date by which the State's recycling goal of 50% must be met.
3. It establishes the State's waste reduction goal of 5% as a biennial rather than an annual reduction and extends the date by which the goal must be met.

**LD 518**

**An Act To Regulate Lead-smart Renovators and Lead Sampling Technicians**

**CARRIED OVER**

<u>Sponsor(s)</u> DUPLESSIE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 518 proposes to increase the training requirements for lead-smart renovators and lead sampling technicians from 6 hours and 8 hours respectively to 14 hours. The bill also would require that lead-smart renovators be licensed by the Department of Environmental Protection. The bill also proposed to require a contractor engaged in any renovation, remodeling, maintenance or repair project involving lead-based paint to obtain an insurance policy or rider that covers damages resulting from any such renovation, remodeling, maintenance or repair project. LD 518 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

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LD 526

Resolve, Regarding the Recycling Assistance Fee

RESOLVE 35

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY NASS R	OTP-AM	H-314

LD 526 proposed to phase out the fee is imposed on the retail sale of new tires in the amount of \$1 per tire. It also proposed to repeal the fee beginning January 1, 2010.

**Committee Amendment "A" (H-314)** changed the title and replaced the bill with a resolve. The amendment proposed to require the Department of Environmental Protection to evaluate possible alternative funding mechanisms to the \$1 fee on the retail sale of new tires and to submit a report and recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 30, 2007.

***Enacted law summary***

Resolve 2005, chapter 35 requires the Department of Environmental Protection to evaluate possible alternative funding mechanisms to the \$1 fee on the retail sale of new tires and to submit a report and recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 30, 2007.

LD 577

An Act To Amend the Law Governing Rate of Growth Ordinances

ONTP

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

LD 577, a concept draft pursuant to Joint Rule 208, proposed to amend the current law governing rate of growth ordinances:

1. To require a town to demonstrate the need for a growth cap prior to adopting a rate of growth ordinance;
2. To establish a 3-year sunset for a rate of growth ordinance in a municipality; and
3. To require that growth areas identified in an approved comprehensive plan be exempt from the growth cap.

LD 582

An Act To Change the Effect of Local Ordinances on the State

ONTP

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

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LD 582 proposed to provide that a state agency must comply with zoning, subdivision and site plan review ordinances that the State Planning Office has determined are consistent with a comprehensive plan that the State Planning Office has found consistent with the provisions of the law governing growth management.

**LD 597**

**An Act To Amend the Solid Waste Landfill Laws**

**PUBLIC 341**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY COWGER	OTP-AM	H-567

LD 597 proposed to require a public hearing for an increase in height of a landfill accepting special waste. It would specify that the applicant shall pay the Department of Environmental Protection's costs in processing the application. It also proposed to amend the law governing the joint citizen advisory committee for the West Old Town Landfill to include 2 representatives of the Penobscot Nation.

**Committee Amendment "A" (H-567)** proposed to require the Department of Environmental Protection to hold a hearing on or request the Board of Environmental Protection to assume jurisdiction of applications for a vertical increase in the approved final elevation of a commercial or state-owned solid waste disposal facility that accepts special waste upon request from 5 or more residents or abutting property owners in the municipality in which the proposed facility is located. It proposed to provide that testimony at such a hearing is limited to issues related to relevant standards of review under the solid waste laws. It proposed to clarify that expenses and costs incurred by the department in connection with the hearing must be paid for by the person applying for the license. It also proposed that the Penobscot Nation shall appoint one member of the joint citizen advisory committee for the West Old Town Landfill.

***Enacted law summary***

Public Law 2005, chapter 341 requires the Department of Environmental Protection to hold a hearing on or request the Board of Environmental Protection to assume jurisdiction of applications for a vertical increase in the approved final elevation of a commercial or state-owned solid waste disposal facility that accepts special waste upon request for a hearing from 5 or more residents or abutting property owners in the municipality in which the proposed facility is located. It provides that testimony at such a hearing is limited to issues related to relevant standards of review under the solid waste laws. It clarifies that expenses incurred by the department in connection with the hearing must be paid for by the person applying for the license. It also amends the law governing the joint citizen advisory committee for the West Old Town Landfill to include 1 representative of the Penobscot Nation.

**LD 599**

**Resolve, Directing a Review of the Effects of Antifreeze, Engine Coolant and Aversive Agents on the Environment and Small Animals**

**RESOLVE 14**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM MAJ OTP-AM MIN	H-162

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LD 599 proposed to require that engine coolant or antifreeze that contains more than 10% ethylene glycol or propylene glycol must include an aversive agent that makes it taste bitter so that it is rendered unpalatable, to reduce the risk of poisoning of household pets and other small animals.

**Committee Amendment "A" (H-162)**, the majority report, proposed to direct the Department of Environmental Protection in cooperation with the Department of Health and Human Services, Bureau of Health and the Department of Agriculture, Food and Rural Resources to review the effects of antifreeze, engine coolant and aversive agents, including denatonium benzoate, on the environment and small animals. The proposed amendment would direct the Department of Environmental Protection to submit its findings to the Joint Standing Committee on Natural Resources by January 30, 2006 and would authorize the committee to report out legislation to the Second Regular Session of the 122nd Legislature.

**Committee Amendment "B" (H-163)**, the minority report, proposed to delete the requirement in the bill that engine coolant or antifreeze that contains more than 10% propylene glycol must include an aversive agent. It proposed to add a limitation of liability for damage to the environment or natural resources or economic loss that results from the inclusion of an aversive agent. It also proposed to make the Act effective when at least 3 New England states, excluding Maine, have adopted similar laws. This amendment was not adopted.

### *Enacted law summary*

Resolve 2005, chapter 14 directs the Department of Environmental Protection in cooperation with the Department of Health and Human Services, Bureau of Health and the Department of Agriculture, Food and Rural Resources to review the effects of antifreeze, engine coolant and aversive agents, including denatonium benzoate, on the environment and small animals. It also directs the Department of Environmental Protection to submit its findings to the Joint Standing Committee on Natural Resources by January 30, 2006 and authorizes the committee to report out legislation to the Second Regular Session of the 122nd Legislature.

**LD 605**                      **An Act To Revise the Site Location of Development Laws**                      **ONTP**

<u>Sponsor(s)</u> KOFFMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 605 proposed to exempt campgrounds that exceed 30 acres in total acreage from the 3-acre maximum impervious surface area restriction in the site location of development laws. The bill would allow campgrounds that exceed 30 acres in total acreage to have impervious surfaces that do not exceed 10% of the total campground acreage.

**LD 608**                      **An Act To Assist Municipal Implementation and Enforcement of Storm Water Management Programs**                      **PUBLIC 240**

<u>Sponsor(s)</u> KOFFMAN COWGER	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 608 proposed to ensure that the District Court and Superior Court have concurrent jurisdiction to hear enforcement actions brought by municipalities regarding violations of ordinances and ordinance provisions they are required to enact regarding nonstorm water discharges, construction site runoff and postconstruction storm water management. The proposed bill would add these ordinances to the list of environmental ordinances that the municipality may enforce using the land use enforcement mechanism, pursuant to the Maine Rules of Civil Procedure, Rule 80K, authorizing code enforcement officers to prosecute certain violations and by which a prevailing municipality may obtain a fine, injunctive relief or payment of attorney's fees, expert witness fees and costs from the violator if the municipality prevails.

### ***Enacted law summary***

Public Law 2005, chapter 240 provides that the District Court and Superior Court have concurrent jurisdiction to hear enforcement actions brought by municipalities regarding violations of ordinances and ordinance provisions they are required to enact regarding nonstorm water discharges, construction site runoff and postconstruction storm water management. It also adds these ordinances to the list of environmental ordinances that the municipality may enforce using the land use enforcement mechanism, pursuant to the Maine Rules of Civil Procedure, Rule 80K, authorizing code enforcement officers to prosecute certain violations and by which a prevailing municipality may obtain a fine, injunctive relief or payment of attorney's fees, expert witness fees and costs from the violator if the municipality prevails.

**LD 615**

**An Act Regarding New Motor Vehicle Emission Standards**

**PUBLIC 245**

Sponsor(s)  
DAIGLE  
MARTIN

Committee Report  
OTP-AM

Amendments Adopted  
H-337

LD 615 proposed to require legislative review before rules provisionally adopted by the Department of Environmental Protection, Board of Environmental Protection containing tailpipe emission standards for vehicles are adopted or in fact implemented.

**Committee Amendment "A" (H-337)** proposed to require the Department of Environmental Protection to annually evaluate whether the State should continue to implement and enforce the California standards for new motor vehicle emissions. The proposed amendment would also require the department to report on the evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters, and it would authorize the committee to report out legislation related to the evaluation. It also would strike language requiring a report from the Board of Environmental Protection in 2000, and it would strike language that makes rules regarding zero-emission vehicles major substantive rules.

### ***Enacted law summary***

Public Law 2005, chapter 245 requires the Department of Environmental Protection to annually evaluate whether the State should continue to implement and enforce the California standards for new motor vehicle emissions. It also requires the department to report on the evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters, and it authorizes the committee to report out legislation related to the evaluation. It also removes from statute language requiring a report from the Board of Environmental Protection in 2000, and it strikes language that makes rules regarding zero-emission vehicles major substantive rules.

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**LD 625**                      **Resolve, Regarding Legislative Review of Chapter 500:  
Stormwater Management and Chapter 502: Direct Watersheds of  
Lakes Most at Risk from New Development and Urban Impaired  
Streams, Major Substantive Rules of the Department of  
Environmental Protection**                      **RESOLVE 87  
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-446

LD 625 proposed to provide for legislative review of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, major substantive rules of the Department of Environmental Protection.

**Committee Amendment "A" (H-446)** proposed to authorize the final adoption of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, which are major substantive rules of the Department of Environmental Protection, as long as certain enumerated changes are made to the rules.

*Enacted law summary*

Resolve 2005, chapter 87 authorizes the final adoption of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, which are major substantive rules of the Department of Environmental Protection, as long as certain enumerated changes are made to the rules.

Resolve 2005, chapter 87 was finally passed as an emergency measure effective June 3, 2005.

**LD 635**                      **An Act To Amend the Maine Sanitary District Enabling Act**                      **CARRIED OVER**

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

LD 635 proposes to amend the Maine Sanitary District Enabling Act by setting guidelines for the establishment of decentralized community sanitary districts. LD 635 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 643**                      **An Act To Authorize the Department of Environmental Protection  
To Issue Emergency Permits for the Application of Herbicides and  
Pesticides**                      **ONTP**

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

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LD 643 proposed to authorize the Department of Environmental Protection to issue emergency waste discharge licenses for the application of herbicides and pesticides to enable prompt response to an invasive aquatic plant infestation. The bill also proposed to direct the Board of Environmental Protection to adopt routine technical rules.

LD 648

### An Act To Exempt Maine Agricultural Fairs from the Requirements of the Site Location of Development Laws

PUBLIC 217

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM MAJ	S-151
MILLETT	OTP-AM MIN	

LD 648 proposed to exempt development on agricultural fair property from the site location of development law if the use of that property is limited to certain uses.

**Committee Amendment "A" (S-151)**, the majority report, proposed to exempt development on agricultural fair property from the site location of development laws if the property is not used for motorized racing for more than 14 days beyond the fair days, motorized racing is licensed by the State, use of the property beyond the fair days meets the noise standard of the site location of development law and the property has been identified in an agricultural fair license issued by the Department of Agriculture, Food and Rural Resources prior to September 15, 2006. The proposed amendment would direct the Department of Agriculture, Food and Rural Resources, in consultation with the Department of Environmental Protection, to develop a checklist of environmental issues and to distribute the checklist to applicants for an agricultural fair license. Under the proposed amendment, the applicant would be required to complete the checklist with the assistance of a soil and water conservation district. The amendment proposed to provide that the Department of Agriculture, Food and Rural Resources may not issue a license for an agricultural fair prior to receipt of the environmental checklist.

**Committee Amendment "B" (S-152)**, the minority report, proposed to exempt development on agricultural fair property from the site location of development laws if the property is not used for motorized racing for more than 14 days beyond the fair days, motorized racing is licensed by the State and use of the property beyond the fair days meets the noise standard of the site location of development law. The proposed amendment would direct the Department of Agriculture, Food and Rural Resources, in consultation with the Department of Environmental Protection, to develop a checklist of environmental issues and to distribute the checklist to applicants for an agricultural fair license. Under the proposed amendment, the applicant would be required to complete the checklist with the assistance of a soil and water conservation district. The amendment proposed to provide that the Department of Agriculture, Food and Rural Resources may not issue a license for an agricultural fair prior to receipt of the environmental checklist. This amendment was not adopted.

#### *Enacted law summary*

Public Law 2005, chapter 217 exempts development on agricultural fair property from the site location of development laws if the property is not used for motorized racing for more than 14 days beyond the fair days, motorized racing is licensed by the State, use of the property beyond the fair days meets the noise standard of the site location of development law and the property has been identified in an agricultural fair license issued by the Department of Agriculture, Food and Rural Resources prior to September 15, 2006. The amendment also directs the Department of Agriculture, Food and Rural Resources, in consultation with the Department of Environmental Protection, to develop a checklist of environmental issues and to distribute the checklist to applicants for an

## *Joint Standing Committee on Natural Resources*

agricultural fair license. The applicant is required to complete the checklist with the assistance of a soil and water conservation district. The Department of Agriculture, Food and Rural Resources may not issue a license for an agricultural fair prior to receipt of the environmental checklist.

**LD 658**                      **An Act To Protect Maine's Natural Resources for Maine Residents**                      **ONTP**

<u>Sponsor(s)</u> DUPLESSIE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 658, a concept draft pursuant to Joint Rule 208, proposed to enact a law to establish a procedure to provide the State with severance fees on natural resources that are 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 667**                      **Resolve, Regarding Nonnative Invasive Marine Species**                      **RESOLVE 43**

<u>Sponsor(s)</u> ADAMS EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-360
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LD 667 proposed to require all the appropriate agencies in the State to participate in the development of strategies to prevent introduction of nonnative invasive marine species into coastal waters of the State and to work to eliminate or mitigate the negative impact where these species are introduced. The resolve also proposed to require the Department of Marine Resources in consultation with the Department of Environmental Protection to submit a report to the Joint Standing Committee on Natural Resources by February 1, 2006 on issues related to nonnative invasive marine species.

**Committee Amendment "A" (H-360)** proposed to clarify that the Commissioner of Environmental Protection and the Commissioner of Marine Resources shall determine which agencies and governments the State should collaborate with regarding nonnative invasive marine species. The proposed amendment would also add the Joint Standing Committee on Marine Resources as a recipient of the required report.

### *Enacted law summary*

Resolve 2005, chapter 43 requires all the appropriate agencies in the State to participate in the development of strategies to prevent introduction of nonnative invasive marine species into coastal waters of the State and to work to eliminate or mitigate the negative impact where these species are introduced. It also requires the Department of Marine Resources in consultation with the Department of Environmental Protection to submit a report to the Joint Standing Committee on Natural Resources and to the Joint Standing Committee on Marine Resources by February 1, 2006 on issues related to nonnative invasive marine species.

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LD 682

**An Act To Create a 5-year Statute of Limitations for Environmental Violations**

ONTP

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

LD 682 proposed to require enforcement actions for violations of environmental laws to be brought by the Department of Environmental Protection or the Attorney General within 5 years of the date of the violation. This bill also proposed to delete provisions in the law that allow a penalty to be imposed for each day of a violation.

**Committee Amendment "A" (S-220)**, the minority report, proposed to require certain enforcement actions related to air emissions and wastewater discharges to be initiated by the Department of Environmental Protection or the Attorney General within the period of time that the licensee is required to retain records of that violation. This amendment was not adopted.

LD 692

**An Act To Require That Hazardous Waste Be Removed from Junked Vehicles**

PUBLIC 247

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM	S-186

LD 692, a concept draft pursuant to Joint Rule 208, would expand on the limitations on automobile graveyards, automobile recycling businesses and junkyard permits found in the Maine Revised Statutes, Title 30-A, section 3754-A. The proposed bill would require the removal of all hazardous waste from the junked vehicles.

**Committee Amendment "A" (S-186)** replaced the bill and proposed to:

1. Amend the operating standards for junkyards, automobile graveyards and automobile recycling businesses.
2. Require that logs be maintained of all motor vehicles handled by the facility.
3. Require that all fluids, refrigerant, batteries and mercury switches be removed from motor vehicles that are not operable, appliances and other items within 180 days of acquisition by a junkyard, automobile graveyard or automobile recycling business. Items acquired prior to October 1, 2005, however, would be required to have fluids, refrigerant, batteries and mercury switches removed by January 1, 2007.
4. Require that storage, recycling or disposal of materials comply with federal and state laws.
5. Require that all fluids, refrigerant, batteries and mercury switches be removed before crushing or shredding.
6. Provide that a municipality or county may reject an application for an automobile graveyard or automobile recycling business if the applicant has not demonstrated that certain provisions regarding storm water management have been complied with.

***Enacted law summary***

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Public Law 2005, chapter 247 amends the operating standards for junkyards, automobile graveyards and automobile recycling businesses. It requires that logs be maintained of all motor vehicles handled by the facility. It requires that all fluids, refrigerant, batteries and mercury switches be removed from motor vehicles that are not operable, appliances and other items within 180 days of acquisition by a junkyard, automobile graveyard or automobile recycling business. Items acquired prior to October 1, 2005, however, must have fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. It requires that storage, recycling or disposal of materials complies with federal and state laws. It requires that all fluids, refrigerant, batteries and mercury switches be removed before crushing or shredding. It also provides that a municipality or county may reject an application for an automobile graveyard or automobile recycling business if the applicant has not demonstrated that certain provisions regarding storm water management have been complied with.

**LD 790**                      **An Act To Establish the Maximum Height of a Dam on Phillips Lake**                      **P & S 17**

<u>Sponsor(s)</u> PERRY J BLANCHETTE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-117
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LD 790 proposed to authorize the Lucerne-in-Maine Village Corporation to maintain a dam on Phillips Lake so that the water level of the lake does not go higher than 227 feet above sea level.

**Committee Amendment "A" (S-117)** proposed to restrict the height of the dam on Phillips Lake to 227 feet above sea level and the width of the dam to no less than the current width.

### *Enacted law summary*

Private and Special Law 2005, chapter 17 restricts the height of the dam on Phillips Lake to 227 feet above sea level and the width of the dam to no less than the current width.

**LD 818**                      **An Act To Specify Phosphorus Limits for Gulf Island Pond**                      **ONTP**

<u>Sponsor(s)</u> NUTTING J MAKAS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 818 proposed to specify standards for the cumulative discharge of phosphorus, both in terms of phosphorus and orthophosphorus, for licensed waste discharges into Gulf Island Pond. The bill would require the Department of Environmental Protection to deny or reissue all expired licenses for continuation of waste discharges contributing phosphorus to Gulf Island Pond by November 15, 2005. Each licensee found to contribute to nonattainment of the standards contained in the bill would provide for phosphorus reductions so the standards are met within the 5-year license period. Alternatively, the bill proposed to allow the department to specify a standard based upon an EPA-approved total maximum daily load that does not cause algae blooms in Gulf Island Pond.

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**LD 826**                      **An Act To Require That the Department of Environmental Protection Consider Economic Impact When Adopting Environmental Regulations**                      **ONTP**

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

LD 826 proposed to require that, in adopting, amending and enforcing rules under the Maine Revised Statutes, Title 38, the Department of Environmental Protection and the Board of Environmental Protection consider the economic impact of those rules on the landowners' livelihoods.

**Committee Amendment "A" (H-144)**, the minority report of the committee, proposed to add an appropriation and allocation section. This amendment was not adopted.

**LD 852**                      **Resolve, To Require the Department of Environmental Protection to Undertake Phosphorus Control in Toothaker Pond in Phillips**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO WOODCOCK	OTP-AM	H-192

LD 852 proposes to direct the Department of Environmental Protection to clean up Toothaker Pond in Phillips.

**Committee Amendment "A" (H-192)** replaces the bill and proposes to direct the Department of Environmental Protection to undertake phosphorus control in Toothaker Pond in Phillips and proposes to appropriate \$50,000 for that purpose.

LD 852 was carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 854**                      **An Act To Ban the Distribution of Children's Products That Contain Mercury Batteries**                      **ONTP**

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

LD 854 proposed to ban, after January 1, 2007, the sale in this State of children's novelties that contain mercury batteries, such as light-up games, cards and adornments.

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**LD 880**                      **An Act To Prohibit Municipal Landfill Dumping**                      **ONTP**

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 880 proposed to direct the Board of Environmental Protection to adopt rules to limit the transfer of bypass waste to landfills and to ensure that disposal in a landfill is not the primary means for disposal of municipal solid waste.

**LD 1022**                      **An Act To Amend the Laws Governing Shoreland Zoning**                      **ONTP**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1022 proposed to provide that the shoreland zoning guidelines established by the Board of Environmental Protection may not require municipalities to prohibit the construction of a residential structure on a lot on which an existing subsurface sewage disposal system is located when the lot is adjacent to a lot on which an existing residential structure is located and both lots are owned by the same person or persons.

**LD 1057**                      **An Act To Establish and Implement the Maine STEP-UP Program**                      **PUBLIC 90**

<u>Sponsor(s)</u> SNOWE-MELLO DAIGLE		<u>Committee Report</u> OTP      MAJ ONTP    MIN		<u>Amendments Adopted</u>
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LD 1057 proposed to establish the Smart Tracks for Exceptional Performers and Upward Performers Program within the Department of Environmental Protection. It proposed to require a contractual relationship between state organizations and businesses and the Commissioner of Environmental Protection to achieve sustainability objectives, including energy and natural resources conservation and it also proposed to define sustainability.

### ***Enacted law summary***

Public Law 2005, chapter 90 establishes the Smart Tracks for Exceptional Performers and Upward Performers Program within the Department of Environmental Protection. It requires a contractual relationship between state organizations and businesses and the Commissioner of Environmental Protection to achieve sustainability objectives, including energy and natural resources conservation. It also defines sustainability.

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**LD 1058**                      **An Act To Regulate the Use of Batteries Containing Mercury**                      **CARRIED OVER**

<u>Sponsor(s)</u> COWGER TWOMEY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1058 proposes to ban, after January 1, 2007, the sale in this State of novelties that contain batteries that contain mercury, such as light-up games, cards and adornments. In addition, this bill proposes to ban the disposal, after January 1, 2007, of button cell batteries in landfills and incinerators and proposes to require that such batteries be packaged with information regarding proper disposal. LD 1058 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1071**                      **Resolve, To Conform Oil Tank Piping Leakage Detection Standards to Federal Law**                      **ONTP**

<u>Sponsor(s)</u> BRYANT-DESCHENE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1071 proposed to require the Department of Environmental Protection to ensure that oil tank and associated piping leakage detection levels required by the State are not more stringent than those required under federal law and regulations.

**LD 1076**                      **Resolve, To Grant the Town of Alton Automatic Intervenor Status**                      **RESOLVE 74**

<u>Sponsor(s)</u> DUCHESNE COWGER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-490
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LD 1076 proposed to direct the Executive Department, State Planning Office to grant the Town of Alton status as host community to the West Old Town Landfill if an event occurs that increases the likelihood of financial or environmental impact to the Town of Alton.

**Committee Amendment "A" (H-490)** changed the title and replaced the resolve. The amendment proposed to direct the Department of Environmental Protection to grant the Town of Alton automatic intervenor status if an application for an expansion permit is filed by the Executive Department, State Planning Office for the West Old Town Landfill and if the Town of Alton requests automatic intervenor status.

***Enacted law summary***

Resolve 2005, chapter 74 directs the Department of Environmental Protection to grant the Town of Alton automatic intervenor status if an application for an expansion permit is filed by the Executive Department, State Planning Office for the West Old Town Landfill and if the Town of Alton requests automatic intervenor status.

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**LD 1091**                      **An Act To Provide Adequate Funding for the Enforcement of Environmental Laws**                      **ONTP**

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

LD 1091 proposed to require all fines for criminal and civil violations of laws administered by the Department of Environmental Protection, including fines paid as a result of an administrative consent agreement, be paid to the Commissioner of Environmental Protection to be applied to the expenses of enforcement incurred by the department.

**Committee Amendment "A" (H-143)**, the minority report, proposed to incorporate a fiscal note. This amendment was not adopted.

**LD 1097**                      **Resolve, To Discourage After-the-fact Department of Environmental Protection Applications**                      **ONTP**

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

LD 1097 proposed to direct the Department of Environmental Protection to establish a fee schedule that establishes or increases penalties to discourage late filings. (See LD 1588.)

**LD 1100**                      **An Act To Set Emission Limits for Certain Architectural Coatings**                      **PUBLIC 181**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM    MAJ OTP-AM    MIN	H-169 H-270    DAIGLE

LD 1100 proposed to establish limits on the amount of volatile organic compounds that may be contained in architectural or industrial maintenance coatings sold, manufactured or used in the State.

**Committee Amendment "A" (H-168)**, the majority report, proposed to delete from the bill limits on the amount of volatile organic compounds that may be contained in sanding sealers, exterior wood primers and floor coatings. This amendment was not adopted.

**Committee Amendment "B" (H-169)**, the minority report, proposed to delete from the bill limits on the amount of volatile organic compounds that may be contained in varnishes, sanding sealers, exterior wood primers and floor coatings.

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**House Amendment "A" to Committee Amendment "B" (H-270)** proposed to include a volatile organic compounds limit for varnishes of 450 grams per liter and to further provide that effective January 1, 2011, the limit for varnishes will be lowered to 350 grams per liter.

### *Enacted law summary*

Public Law 2005, chapter 181 establishes limits on the amount of volatile organic compounds that may be contained in certain architectural or industrial maintenance coatings sold, manufactured or used in the State. The coatings for which volatile compound limits are set are: interior wood clear and semitransparent stains and varnishes.

**LD 1149**                      **Resolve, To Review the Responsibilities of the Board of Environmental Protection**                      **ONTP**

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

LD 1149 proposed to direct the Board of Environmental Protection to review its responsibilities as set forth in statute and to report back to the Joint Standing Committee on Natural Resources on any recommended changes by January 15, 2006.

**LD 1157**                      **Resolve, Directing the Department of Education and the Department of Environmental Protection To Implement Procedures To Remove Hazardous Materials from Maine Schools**                      **RESOLVE 93**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN RAYE	OTP-AM    MAJ ONTP        MIN	H-489

LD 1157 proposed to generate revenue to continue and expand the efforts of the Department of Environmental Protection to assist schools with the safe removal and disposal of hazardous materials, such as pesticides, mercury compounds and toxic, flammable and explosive laboratory and other chemicals. Revenue would be generated by a 30¢ fee on each unit of general use pesticide distributed for retail sale in this State. The fee would be assessed at the distributor level and would not apply to bulk containers of restricted or limited use pesticides for agricultural and commercial use.

**Committee Amendment "A" (H-489)** replaced the bill with a resolve and changed the title. The proposed amendment would direct the Department of Education and the Department of Environmental Protection to implement the provisions of the proposal dated May 10, 2005 regarding the removal of hazardous materials from schools. It would also direct the departments to report to the Joint Standing Committee on Natural Resources by January 15, 2006 on the effectiveness of their efforts and to recommend changes if necessary.

### *Enacted law summary*

## Joint Standing Committee on Natural Resources

Resolve 2005, chapter 93 directs the Department of Education and the Department of Environmental Protection to implement the provisions of the proposal dated May 10, 2005 regarding the removal of hazardous materials from schools. It also directs the departments to report to the Joint Standing Committee on Natural Resources by January 15, 2006 on the effectiveness of their efforts and to recommend changes if necessary.

LD 1160

Resolve, To Increase Wetland Protection

RESOLVE 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN DAMON	OTP-AM	H-315

LD 1160 proposed to apply all standards of the natural resources protection laws to Tier 1 wetlands. It proposed to require the Department of Environmental Protection, in Tier 1 wetland review, to consider impacts to the wetland from other regulated activities that occurred during the prior year and to extend the time the department has to review Tier 1 applications from 30 days to 60 days. It proposed to direct the Department of Environmental Protection to work with the Executive Department, State Planning Office and other interested parties to develop a Tier 1 wetlands compensation program, to review and recommend changes to the wetlands exemptions and to report to the Joint Standing Committee on Natural Resources by January 1, 2006.

**Committee Amendment "A" (H-315)** replaced the bill with a resolve and removed those sections of the bill that proposed to:

1. Apply all standards of the natural resources protection laws to Tier 1 freshwater wetlands;
2. Require the Department of Environmental Protection, in Tier 1 freshwater wetland review, to consider impacts to the wetland from other regulated activities that occurred during the prior year; and
3. Extend the time the department has to review Tier 1 applications.

The proposed amendment would replace those sections with a reporting requirement requiring the Department of Environmental Protection to evaluate the resources necessary to apply all standards in the Maine Revised Statutes, Title 38, section 480-D to projects eligible for Tier 1 review and to report to the Joint Standing Committee on Natural Resources with any recommendations and proposed legislation by February 1, 2006. The amendment also proposed to authorize the committee to report out legislation to the Second Regular Session of the 122nd Legislature and it proposed to change a report date from January 1, 2006 to February 1, 2006.

### *Enacted law summary*

Resolve 2005, chapter 37 requires the Department of Environmental Protection to evaluate the resources necessary to apply all standards in the Maine Revised Statutes, Title 38, section 480-D to projects eligible for Tier 1 wetland review and to report to the Joint Standing Committee on Natural Resources with any recommendations and proposed legislation by February 1, 2006. Chapter 37 also directs the Department of Environmental Protection to work with the Executive Department, State Planning Office and other interested parties to develop a Tier 1 wetlands compensation program, to review and recommend changes to the wetlands exemptions and to report to the Joint Standing Committee on Natural Resources by February 1, 2006. Chapter 37 also authorizes the Natural Resources Committee to report out legislation to the Second Regular Session of the 122nd Legislature.

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**LD 1161**

**An Act To Provide for Variance Notification in the Shoreland Zoning Law**

**PUBLIC 440**

<u>Sponsor(s)</u> HUTTON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-477
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LD 1161 proposed to provide for notice to abutters when an application for a permit or license is accepted and when a permit or license is denied or issued by the Land Use Regulation Commission and it proposed to provide for notice to abutters, municipalities and municipal boards when an application for a permit or license is accepted and when a permit or license is denied or issued by the Department of Environmental Protection.

**Committee Amendment "A" (H-477)** replaced the bill and proposed to require that a request for a variance from a shoreland zoning ordinance must be forwarded to the Commissioner of Environmental Protection at least 20 days prior to action by the municipality. It would provide for comment by the commissioner if the commissioner determines that the variance is in noncompliance with the requirements of state law for a zoning variance or undermines the purposes stated in the Maine Revised Statutes, Title 38, section 435. It also would provide that these comments are made part of the record to be considered when a decision is made on the variance request.

***Enacted law summary***

Public Law 2005, chapter 440 requires that a request for a variance from a shoreland zoning ordinance must be forwarded to the Commissioner of Environmental Protection at least 20 days prior to action by the municipality. It provides for comment by the commissioner if the commissioner determines that the variance is in noncompliance with the requirements of state law for a zoning variance or undermines the purposes stated in the Maine Revised Statutes, Title 38, section 435. It provides that these comments are made part of the record to be considered when a decision is made on the variance request.

**LD 1182**

**An Act To Encourage Small Water-bottling Companies**

**ONTP**

<u>Sponsor(s)</u> GAGNON THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1182 proposed to exempt water bottling operations that bottle under 100,000 gallons of water a year from the laws governing bottlers of nonalcoholic beverages and water for human consumption.

*Joint Standing Committee on Natural Resources*

**LD 1218**                      **Resolve, Directing the Department of Environmental Protection  
To Coordinate Regulation of Activities in Sand and Gravel Pits**                      **ONTP**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1218 proposed to require the Department of Environmental Protection to review the differing review and permit requirements that apply to activities that are undertaken in connection with sand and gravel pits; to direct the department to create one point of contact within the department for information regarding requirements for such activities and the status of various permitting applications; and to direct the department to develop a proposal by which to better coordinate the review, permitting and enforcement of those various review and permit requirements.

**LD 1219**                      **An Act To Improve the Business Climate in Maine**                      **ONTP**

<u>Sponsor(s)</u> SAVIELLO WOODCOCK		<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN		<u>Amendments Adopted</u>
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LD 1219 proposed to amend the mission of the Department of Environmental Protection to include consideration of maintenance of the State's economic viability. The bill also proposed to authorize the department, when a position becomes vacant through attrition, to hire an economist within its existing resources.

**Committee Amendment "A" (H-276)**, the minority report, proposed to amend the mission of the Department of Environmental Protection to direct the department to undertake the department's stated purposes with actions that protect natural resources and public health and promote a sustainable economy. The amendment also proposed to strike from the bill authorization for the department to employ an economist. This amendment was not adopted.

**LD 1255**                      **An Act To Ensure Environmental Justice**                      **ONTP**

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN		<u>Amendments Adopted</u>
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LD 1255, a concept draft pursuant to Joint Rule 208, proposed to require the Commissioner of Environmental Protection to convene a working group on environmental justice, composed of various representatives, to assist the Department of Environmental Protection in developing an interagency environmental justice strategy. The bill would require the working group to take various actions relating to the development and implementation of environmental justice strategies.

**Committee Amendment "A" (S-219)**, the minority report, proposed to direct the Commissioner of Environmental Protection to convene a working group on environmental justice and to report the findings of the working group to the Joint Standing Committee on Natural Resources by February 15, 2006. This amendment was not adopted.

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LD 1265

Resolve, Regarding Source Water Protection

RESOLVE 29

<u>Sponsor(s)</u> MITCHELL DAIGLE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-157
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LD 1265 proposed to establish aquifer protection areas in the State. The bill proposed to:

1. Require the Commissioner of Environmental Protection to establish by rule standards for modeling and mapping aquifers;
2. Require the mapping of aquifers; and
3. Direct the Commissioner of Environmental Protection to develop recommendations, including necessary legislation, to implement the regulation of aquifer protection areas.

**Committee Amendment "A" (S-157)** changed the title and replaced the bill with a resolve. The proposed amendment would require the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources to submit a report to the Joint Standing Committee on Natural Resources by February 1, 2006. The report must address whether additional requirements are needed for source water protection in Maine and describe recommended options to address those needs. The proposed amendment would also authorize the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 122nd Legislature requiring the Drinking Water Program to establish a process to allow public comment and to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters with any subsequent recommendations after consideration of the comments.

***Enacted law summary***

Resolve 2005, chapter 29 requires the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources to submit a report to the Joint Standing Committee on Natural Resources by February 1, 2006. The report must address whether additional requirements are needed for source water protection in Maine and describe recommended options to address those needs. Chapter 29 also authorizes the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 122nd Legislature requiring the Drinking Water Program to establish a process to allow public comment and to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters with any subsequent recommendations after consideration of the comments.

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LD 1268

**An Act To Amend the Law on Junkyards, Automobile Graveyards  
and Automobile Recycling Businesses**

**PUBLIC 424**

<u>Sponsor(s)</u> COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-156 S-163 STRIMLING
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LD 1268 proposed to clarify municipally administered junkyard, automobile graveyard and automobile recycling business law under the Maine Revised Statutes, Title 30-A, chapter 183, subchapter 1 in follow-up to the comprehensive changes enacted by Public Law 2003, chapter 312.

**Committee Amendment "A" (S-156)** proposed to keep the automobile hobbyist exemption in the laws governing automobile graveyards and amend the exemption to provide that municipal ordinances may require areas that are used for hobbyist activities to comply with screening requirements and certain environmental standards. The proposed amendment also would strike a reference to automobile recycling businesses in the operating standards for junkyards and automobile graveyards.

**Senate Amendment "A" (S-163)** was presented on behalf of the Committee on Bills in the Second Reading to correct an amending clause.

**Senate Amendment "B" (S-329)** proposed to remove the provision that requires municipal officers or county commissioners to provide written or electronic notice of a hearing to revoke or suspend a permit for an automobile graveyard, automobile recycling business or junkyard to the automobile dealer licensing section of the Department of the Secretary of State, Bureau of Motor Vehicles at least 7 days before the hearing. This amendment was not adopted.

***Enacted law summary***

Public Law 2005, chapter 424 clarifies municipally administered junkyard, automobile graveyard and automobile recycling business law under the Maine Revised Statutes, Title 30-A, chapter 183, subchapter 1 in follow-up to the comprehensive changes enacted by Public Law 2003, chapter 312.

Chapter 424 does the following:

1. It amends the hobbyist exemption in the definition of automobile graveyard to provide that municipal ordinances may require areas that are used for hobbyist activities to comply with screening requirements and certain environmental standards.
2. It allows municipal officers or county commissioners to give electronic notice of applications for a new automobile graveyard or recycling business to the Secretary of State.
3. It clarifies that towns or counties are not required to undertake ground water studies whenever a permit renewal application is filed. Instead, it prohibits municipal officials or county commissioners from renewing a permit if there is substantial, credible evidence that the permitted activities have caused contamination of the well.

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4. It amends the operating standards for automobile graveyards and junkyards to require that a facility seeking a permit must be actively engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale or trade.
5. It authorizes towns and counties to issue permits to automobile graveyards and junkyards if they meet certain operating standards.
6. It provides that the operating standards set out in current law are conditions of each permit issued.
7. It adds to the cost of a permit for a graveyard or junkyard the cost of posting and publishing notice of hearing that a town or county must provide.
8. It requires towns or counties to provide notice of hearing to the Bureau of Motor Vehicles regarding hearings for revocation or suspension of a permit.

**LD 1304**                      **An Act Concerning Invasive Species and Water Quality Standards**                      **PUBLIC 182**

<u>Sponsor(s)</u> SAVIELLO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-245
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LD 1304 proposed to amend water quality standards to allow the Department of Environmental Protection to approve aquatic chemical or pesticide discharges for the purpose of restoring biological communities affected by invasive species, for Class AA, A, B and C waters, for tributaries to GPA waters and in drainage areas of less than 10 square miles. It proposed to add similar authority for GPA waters and proposed to clarify text. It proposed to allow the Department of Environmental Protection to approve a chemical treatment to waters with a drainage area of less than 10 miles for the purpose of restoring water quality in GPA waters and it proposed to add a definition of "invasive species" to the water classification program.

**Committee Amendment "A" (H-245)** proposed to incorporate a fiscal note.

***Enacted law summary***

Public Law 2005, chapter 182 amends water quality standards to allow the Department of Environmental Protection to approve aquatic chemical or pesticide discharges for the purpose of restoring biological communities affected by invasive species, for Class AA, A, B and C waters, for tributaries to GPA waters and in drainage areas of less than 10 square miles. It adds similar authority for GPA waters and clarifies text. It allows the Department of Environmental Protection to approve a chemical treatment to waters for the purpose of restoring water quality in GPA waters. It also adds a definition of "invasive species" to the water classification program.

**LD 1327**                      **An Act To Prohibit the Use of Mercury Fillings**                      **CARRIED OVER**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1327 proposes to require the elimination of mercury in dental offices over a 3-year period and to require dental schools to include in their curricula by January 2006 the risks of exposure to mercury. The bill also proposes to require a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings. LD 1327 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1338                      An Act To Limit Human Exposure to Mercury                      CARRIED OVER**

<u>Sponsor(s)</u> DAMON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1338 proposes to:

1. Require the elimination of mercury in dental offices over a 3-year period;
2. Require dental schools to include in their curricula by January 2006 the risks of exposure to mercury;
3. Require a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings;
4. Require the Department of Environmental Protection to develop an education, outreach and assistance program for dentists;
5. Require dentists to file an annual report with the department describing the quantities of mercury amalgam purchased, used and recycled from dry sources and wet sources;
6. Require the Department of Environmental Protection to establish rules for dental offices to limit mercury releases;
7. Establish a penalty in the amount of not less than \$10,000 nor more than \$100,000 for a violation; and
8. Require the Department of Environmental Protection to conduct a septic system study concerning the impact of dental mercury releases in rural areas.

LD 1338 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1408                      Resolve, Directing the Air Toxics Advisory Committee To Review                      RESOLVE 84**  
**the Status of Toxic Emissions from Waste-to-energy Facilities in**  
**the State and Recommend Actions Aimed at Reducing and**  
**Monitoring These Emissions**

<u>Sponsor(s)</u> KAELIN WESTON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-374
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LD 1408 proposed to require the Department of Environmental Protection to provide data to the Air Toxics Advisory Committee that includes information on direct and indirect emissions of hazardous air pollutants from Maine's 4 waste-to-energy facilities. The proposed resolve would also require the Department of Environmental Protection to form a subcommittee of the Air Toxics Advisory Committee to consider the toxicity-weighted emissions from waste-to-energy facilities and potential strategies for reducing toxic air emissions. The Commissioner of Environmental Protection would be required to submit a report to the Joint Standing Committee on Natural Resources by February 15, 2006.

**Committee Amendment "A" (H-374)** proposed to remove the requirement that the subcommittee created in the resolve consider potential strategies for reducing toxic air emissions and the need for internal and external monitoring systems. It also proposed to change the purpose of the subcommittee from considering toxicity-weighted emissions to considering toxic and other emissions from waste-to-energy facilities.

### *Enacted law summary*

Resolve 2005, chapter 84 requires the Department of Environmental Protection to provide data to the Air Toxics Advisory Committee that includes information on emissions of hazardous air pollutants from Maine's 4 waste-to-energy facilities. The resolve also requires the Department of Environmental Protection to form a subcommittee of the Air Toxics Advisory Committee to consider the toxic and other emissions from waste-to-energy facilities. The Commissioner of Environmental Protection shall submit a report to the Joint Standing Committee on Natural Resources by February 15, 2006.

**LD 1428**                      **An Act To Modernize Regulation of Sand and Gravel Pits**                      **ONTP**

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

LD 1428 proposed to provide that beginning December 1, 2005, excavations that are currently licensed under the site location of development law must be licensed under the borrow pit law. It also proposed to require the Department of Environmental Protection to require a bond or security to ensure compliance with the law. It also proposed to provide that if a performance standard in the borrow pit law is amended, the Department of Environmental Protection may allow owners and operators up to 5 years to meet the new standard. It also proposed to require notice of intent to transfer the ownership or operation of an excavation to be provided to the Department of Environmental Protection. It also proposed to direct the Board of Environmental Protection to adopt rules to address the issue of repeat violations by an owner or operator of an excavation.

**LD 1450**                      **An Act To Amend Water Quality Standards**                      **PUBLIC 409  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-291 S-315 COWGER

LD 1450 proposed to amend the bacteria standard for class B, C, SB and SC waters and remove a reference to an out-of-date manual. The bill also proposed to make corrections to and clarify changes in the dissolved oxygen standard that was enacted in the previous session.

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**Committee Amendment "A" (S-291)** proposed to do the following:

1. Require the Department of Environmental Protection to supervise additional modeling of Gulf Island Pond in order to revise the total maximum daily load for phosphorus;
2. Provide for a study that evaluates the operations of Gulf Island Pond dam and the dam's impact on algae blooms;
3. Authorize the Department of Environmental Protection to enter into agreements with licensees;
4. Direct the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2006 and annually until 2011;
5. Authorize the committee to report out legislation to any session of the Legislature; and
6. Add an emergency preamble and emergency clause.

**House Amendment "A" (H-635)** proposed to provide that the 30-day average dissolved oxygen criterion of a Class C water is 6.5 parts per million.

**Senate Amendment "A" to Committee Amendment "A" (S-315)** proposed to provide that the Department of Environmental Protection may review and, as appropriate, revise the total maximum daily load for phosphorus. The amendment also proposed to replace the portion of the amendment dealing with backsliding with a provision that requires compliance with anti-backsliding requirements in state and federal law. This amendment also proposed to provide that it is the intent of the Legislature that dischargers shall make continuous progress in actual effluent reductions towards reaching final allocations under the total maximum daily load allocations in existence on the effective date of the bill or as revised under the bill to March 15, 2010.

### *Enacted law summary*

Public Law 2005, chapter 409 does the following:

1. It requires certain Class C waters to meet a 6.5 parts per million dissolved oxygen 30-day average standard using a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is lower. It requires other Class C waters to meet a 6.5 parts per million dissolved oxygen standard as a 30-day average based on a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is lower;
2. It requires the Department of Environmental Protection to supervise additional modeling of Gulf Island Pond in order to revise the total maximum daily load for phosphorus;
3. It provides for a study that evaluates the operations of Gulf Island Pond dam and the dam's impact on algae blooms;
4. It authorizes the Department of Environmental Protection to enter into agreements with licensees and water quality certificate holders;

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- 5. It directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2006 and annually until 2011 and authorizes the committee to report out legislation to any session of the Legislature; and
- 6. It amends the bacteria standard for class B, C, SB and SC waters. For Class B and C waters it changes the numerical standards. For Class B, C, SB and SC waters it adds standards for E-coli bacteria of domestic animal origin. It also removes a reference to an out-of-date manual.

Public Law 2005, chapter 409 was enacted as an emergency measure effective June 20, 2005.

**LD 1465**                      **Resolve, Regarding Legislative Review of Portions of Chapter 127: New Motor Vehicle Emission Standards, a Major Substantive Rule of the Bureau of Air Quality**                      **RESOLVE 66 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-361
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LD 1465 proposed to provide for legislative review of portions of Chapter 127: New Motor Vehicle Emission Standards, a major substantive rule of the Department of Environmental Protection, Bureau of Air Quality.

**Committee Amendment "A" (H-361)** proposed to authorize the final adoption of portions of Chapter 127: New Motor Vehicle Emission Standards, a provisionally adopted major substantive rule of the Department of Environmental Protection, Bureau of Air Quality that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain enumerated changes are made to the rule.

*Enacted law summary*

Resolve 2005, chapter 66 authorizes the final adoption of portions of Chapter 127: New Motor Vehicle Emission Standards, a provisionally adopted major substantive rule of the Department of Environmental Protection, Bureau of Air Quality that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain enumerated changes are made to the rule.

Resolve 2005, chapter 66 was finally passed as an emergency measure effective May 31, 2005.

**LD 1466**                      **An Act To Amend the Law Governing Spill Prevention Control and Countermeasure Regulation of Oil Storage Facilities**                      **PUBLIC 212**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-316
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LD 1466 proposed to eliminate the repeal date in the law that authorizes the Department of Environmental Protection to enforce federal spill prevention and control regulations at certain aboveground oil storage facilities.

**Committee Amendment "A" (H-316)** proposed to require the Commissioner of Environmental Protection to biennially report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the activities undertaken by the department regarding oil storage facility spill prevention control. The

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proposed amendment would require the first report, due January 15, 2006, to include an evaluation and recommendations regarding financial consequences for noncompliance with the laws regarding spill prevention control.

### *Enacted law summary*

Public Law 2005, chapter 212 eliminates the repeal date in the law that authorizes the Department of Environmental Protection to enforce federal spill prevention and control regulations at certain aboveground oil storage facilities. It also requires the Commissioner of Environmental Protection to biennially report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the activities undertaken by the department regarding oil storage facility spill prevention control. The first report is due January 15, 2006 and must include an evaluation and recommendations regarding financial consequences for noncompliance with the laws regarding spill prevention control.

**LD 1489**                      **An Act To Establish Citizen Ownership of Maine's Groundwater**                      **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1489 proposed to provide that groundwater is a public natural resource owned by all the citizens of this State and that the citizens of this State have the right to regulate the extraction and use of groundwater.

**LD 1497**                      **An Act To Amend the Laws Governing Water Quality Standards for Ragged and Seboomook Lakes**                      **PUBLIC 159**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-154
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LD 1497 proposed to amend the laws governing the water quality standards for aquatic life and habitat for Ragged Lake and Seboomook Lake, located in the Penobscot River, West Branch drainage.

**Committee Amendment "A" (S-154)** proposed to clarify that Class C aquatic life standards must be met in Ragged and Seboomook Lakes except that habitat and aquatic life in the portions of the waters affected by the drawdown of these lakes may reflect the effects of the drawdowns, based on a use attainability analysis conducted by the Board of Environmental Protection.

### *Enacted law summary*

Public Law 2005, chapter 159 amends the laws governing the water quality standards for aquatic life and habitat for Ragged Lake and Seboomook Lake, located in the Penobscot River, West Branch drainage. It provides that Class C aquatic life standards must be met in Ragged and Seboomook Lakes except that habitat and aquatic life in the portions of the waters affected by the drawdown of these lakes may reflect the effects of the drawdowns, based on a use attainability analysis conducted by the Board of Environmental Protection.

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**LD 1506**

**An Act To Update the Laws Governing Borrow Pits and Quarries**

**PUBLIC 158**

<u>Sponsor(s)</u> NASS R KOFFMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-155
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LD 1506 proposed to amend the laws administered by the Department of Environmental Protection governing borrow pits and quarries. The "borrow pit law" regulates excavations for borrow, clay, topsoil or silt. The bill proposed to:

1. Add additional standards for quarries and excavations for borrow, clay, topsoil or silt under the site law. The standards would require a spill prevention, control and countermeasures plan and address dust control.
2. Clarify that reclamation of the land affected by mining may include development of the site for residential, commercial, recreational or industrial use pursuant to the borrow pit law and the quarry law.
3. Provide that comments submitted in relation to a notification under the borrow pit law and the quarry law may be submitted directly to the department.
4. Amend the standards in the laws governing borrow pits and quarries regarding roads, rights-of-way and natural buffer strips to provide that a natural buffer at least 50 feet wide must be maintained between the working edge of an excavation and any public right-of-way that does not contain a road. It also would provide that when a variance is allowed from the public road standard, it may not result in a natural buffer strip of less than 50 feet between the working edge of the excavation and any road or right-of-way, whichever is farther from the excavation. The buffer along a public road other than a scenic highway may be reduced if there is a public entity or entities with authority to grant permission and the applicant receives permission in writing from each authority.
5. Provide that any written permission to reduce a buffer from a property line in the laws governing borrow pits and quarries must remain in effect until mining ceases and must be recorded in the registry of deeds.
6. Amend the erosion and sedimentation standard in the laws governing borrow pits and quarries to provide that areas that are not naturally internally drained must meet the standards of the laws governing erosion and sedimentation control in the Maine Revised Statutes, Title 38, section 420-C.
7. Repeal and replace the existing surface water protection and storm water standards in the laws governing borrow pits and quarries. The new provision would clarify when the storm water standards of Title 38, section 420-D must be met in regard to externally drained areas. It also proposed to indicate that a waste discharge must meet standards and obtain authorization pursuant to Title 38, section 413 if required.
8. Add a numeric standard for fugitive dust emissions to the laws governing borrow pits and quarries.
9. Authorize the department to grant a release from requirements of the borrow pit law after reclamation of the affected area. The department would be required to inspect the site before the release, and the release would terminate if any further excavation was proposed on the parcel for borrow, clay, topsoil or silt.
10. Provide that all excavations below the seasonal high water table require a variance from the department by removing limiting language under the quarry law.

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11. Change, in the quarry law, the range for a preblast survey from 2000 feet to 1/2 mile, consistent with federal requirements.
12. Authorize the department to grant a release from requirements of the quarry law after reclamation of the affected area. The department would be required to inspect the site before the release, and the release would terminate if any further excavation was proposed on the parcel.

**Committee Amendment "A" (S-155)** proposed to clarify: that a buffer strip at least 50 feet wide must be maintained between the working edge of an excavation and any public right-of-way that does not contain a road; that areas for access roads that are not naturally internally drained must meet the erosion and sedimentation control standards; and that certain areas that are not naturally internally drained must meet the standards in the storm water management law. It also proposed to change the annual fees in the borrow pit and quarry laws.

### *Enacted law summary*

Public Law 2005, chapter 158 amends the laws administered by the Department of Environmental Protection governing borrow pits and quarries. The "borrow pit law" regulates excavations for borrow, clay, topsoil or silt.

1. It adds additional standards for quarries and excavations for borrow, clay, topsoil or silt under the site law. The standards require a spill prevention, control and countermeasures plan and address dust control.
2. It clarifies that reclamation of the land affected by mining may include development of the site for residential, commercial, recreational or industrial use pursuant to the borrow pit law and the quarry law.
3. It provides that comments submitted in relation to a notification under the borrow pit law and the quarry law may be submitted directly to the department.
4. It amends the standards in the laws governing borrow pits and quarries regarding roads, rights-of-way and natural buffer strips to provide that a natural buffer at least 50 feet wide must be maintained between the working edge of an excavation and any public right-of-way that does not contain a road. It also provides that when a variance is allowed from the public road standard, it may not result in a natural buffer strip of less than 50 feet between the working edge of the excavation and any road or right-of-way, whichever is farther from the excavation. The buffer along a public road other than a scenic highway may be reduced if there is a public entity or entities with authority to grant permission and the applicant receives permission in writing from each authority.
5. It provides that any written permission to reduce a buffer from a property line in the laws governing borrow pits and quarries must remain in effect until mining ceases and must be recorded in the registry of deeds.
6. It amends the erosion and sedimentation standard in the laws governing borrow pits and quarries to provide that areas for access roads that are not naturally internally drained must meet the standards of the laws governing erosion and sedimentation control in the Maine Revised Statutes, Title 38, section 420-C.
7. It repeals and replaces the existing surface water protection and storm water standards in the laws governing borrow pits and quarries. The new provision clarifies when the storm water standards of Title 38, section 420-D must be met in regard to externally drained areas. It also indicates that a waste discharge must meet standards and obtain authorization pursuant to Title 38, section 413 if required.

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8. It adds a numeric standard for fugitive dust emissions to the laws governing borrow pits and quarries.
9. It authorizes the department to grant a release from requirements of the borrow pit law and the quarry law after reclamation of the affected area. The department would be required to inspect the site before the release, and the release would terminate if any further excavation was proposed on the parcel.
10. It provides that all excavations below the seasonal high water table require a variance from the department under the quarry law.
11. It changes in the quarry law the range for a preblast survey from 2000 feet to 1/2 mile from the blast site.
12. It changes the annual fees in the borrow pit and quarry laws.

**LD 1533**                      **An Act To Prevent Algae Blooms in Gulf Island Pond**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	ONTP      MAJ	
NUTTING J	OTP      MIN	

LD 1533 proposed to require ongoing monitoring of certain water quality conditions at the hydropower project at Gulf Island Pond. It also proposed to require forecasting of water conditions and, if required based upon the forecasting, implementation of changes to the operating regimen of the hydropower project at Gulf Island Dam. This bill also proposed to provide that the wastewater discharge licensees would pay for the appropriate monitoring and modeling system in order to implement this legislation.

**LD 1535**                      **An Act Making Improvements to the Laws Regarding Local Land Use Ordinances**                      **CARRIED OVER**

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

LD 1535 proposes to broaden and update the findings and purposes sections of planning and land use control law to explicitly recognize that planning and land use regulation is a shared responsibility of State Government and local government. The bill proposes to make changes in definitions of relevant terms and it proposes to rewrite the laws on rate of growth ordinances and clarifies when rate of growth ordinances are allowed. LD 1535 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1558**                      **An Act Concerning Storm Water Management**                      **PUBLIC 219**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	S-184

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LD 1558 proposed to do the following:

1. It proposed to amend the laws governing waste discharge in the following ways.
  - A. It would provide that the Department of Environmental Protection may exempt or license by rule discharges of storm water to groundwater from surface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State. Rules adopted to implement these provisions would be routine technical rules.
  - B. It would provide that the department may exempt, in addition to license by rule, subsurface discharges to groundwater from subsurface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State.
2. It proposed to amend the laws governing storm water management in the following ways.
  - A. It would change the permitting threshold in the storm water management laws to one acre or more of disturbed area.
  - B. It would remove language providing that storm water quality standards only apply in the direct watersheds of water bodies most at risk from development and in sensitive or threatened geographic regions or watersheds.
  - C. It would repeal an exemption for construction projects at industrial facilities for which a federal storm water permit application has been made or construction projects at facilities for which storm water is regulated under an existing federal discharge permit.
  - D. It would change the fee provisions in the storm water management laws.
  - E. It would authorize the department to require a person owning or operating a significant existing source of storm water to implement a storm water management system.
  - F. It would provide transition provisions.

**Committee Amendment "A" (S-184)** proposed to clarify that certain municipal storm water conveyance systems are excluded from the definition of "significant existing source."

### *Enacted law summary*

Public Law 2005, chapter 219 does the following:

1. It amends the laws governing waste discharge in the following ways.
  - A. It provides that the Department of Environmental Protection may exempt or license by rule discharges of storm water to groundwater from surface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State. Rules adopted to implement these provisions are routine technical rules.
  - B. It provides that the department may exempt or license by rule subsurface discharges to groundwater from subsurface wastewater disposal systems if such discharges will not have a significant adverse effect on the quality or classification of waters of the State.

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2. It amends the laws governing storm water management in the following ways.
  - A. It changes the permitting threshold in the storm water management laws to one acre or more of disturbed area.
  - B. It removes language providing that storm water quality standards only apply in the direct watersheds of water bodies most at risk from development and in sensitive or threatened geographic regions or watersheds.
  - C. It repeals an exemption for construction projects at industrial facilities for which a federal storm water permit application has been made or construction projects at facilities for which storm water is regulated under an existing federal discharge permit.
  - D. It changes the fee provisions in the storm water management laws.
  - E. It authorizes the department to require a person owning or operating a significant existing source of storm water to implement a storm water management system.
  - F. It provides transition provisions.

**LD 1574**

**An Act To Assist Towns with the Implementation of the Laws  
Governing Growth Management**

**PUBLIC 290**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS KOFFMAN	OTP-AM	S-221

LD 1574 proposed to define the term "consistent" when that term is applied to the requirement that an ordinance be consistent with a comprehensive plan. The bill also proposed to authorize municipalities to establish municipal community preservation funds and proposed to establish the Maine Community Preservation Trust Fund.

**Committee Amendment "A" (S-221)** replaced the bill and proposed to amend the uses of the Municipal Investment Trust Fund to include restoration of public service infrastructure and the acquisition of open space.

### *Enacted law summary*

Public Law 2005, chapter 290 amends the uses of the Municipal Investment Trust Fund to include restoration of public service infrastructure and the acquisition of open space.

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**LD 1578**                      **An Act To Ensure Certain Protections to Communities Hosting Waste-to-energy Facilities**                      **CARRIED OVER**

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

LD 1578 proposes to provide that a community that hosts a waste-to-energy facility may adopt its own reasonable rules on the transportation of solid waste, municipal solid waste, special waste and refuse-derived fuel through that community. It also proposes to provide that an agreement between an incineration facility and a community must include certain provisions to protect that community. LD 1578 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1588**                      **An Act To Amend Certain Laws Administered by the Department of Environmental Protection**                      **PUBLIC 330**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN COWGER	OTP-AM    MAJ ONTP        MIN	H-564

LD 1588 proposed to make the following changes to laws administered by the Department of Environmental Protection. It proposed to:

1. Repeal sections providing for issuance of permits by the Board of Environmental Protection for activities affecting coastal wetlands;
2. Redirect appeals of decisions by the Board of Underground Oil Storage Tank Installers from District Court to Superior Court;
3. Clarify that a producer of biofuels must offer the biofuels for sale and must receive income derived from the sale of the biofuels in order to qualify for an income tax credit;
4. Amend the requirement that the department always hold a presubmission meeting if a preapplication meeting is held. The bill proposed to provide that the department may choose not to hold a presubmission meeting if the department determines that the presubmission meeting is unnecessary based upon factors such as the complexity and status of the application;
5. Make the administrative appeals deadline consistent for all Department of Environmental Protection enforcement actions;
6. Change a date in the definition of "Code of Federal Regulations" to include regulations effective on or before January 1, 2005;
7. Change a date in the definition of "Federal Water Pollution Control Act" to include amendments effective on or before January 1, 2005;

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8. Change the review period for a storm water application proposing solely vegetative measures from 30 to 45 days;
9. Clarify the classification of waters to indicate that the "Clifford Brook" currently listed in the Maine Revised Statutes, Title 38, section 467, subsection 3, paragraph B, subparagraph (7) is located in Marion Township;
10. Remove a reference to a debris line as it relates to determining the edge of the coastal wetland. It also proposed to clarify the criterion for determining the elevation of the edge of the coastal wetland by changing "spring tide" to "highest tide level for each year in which an activity is proposed";
11. Clarify the jurisdiction of the Department of Environmental Protection and the Maine Land Use Regulation Commission when review is required under the laws governing the protection of natural resources and an activity is located in areas both within and outside the jurisdiction of the Maine Land Use Regulation Commission;
12. Amend the laws governing the protection of natural resources to add an exemption for the installation, maintenance or removal of a licensed overboard discharge treatment system, including the outfall pipe, if certain requirements are met;
13. Remove a reference to a list of endangered or threatened species that has been repealed and replace it with a reference to a section that defines those terms;
14. Restore a permit threshold to the laws governing site location of development specific to the exploration or production of oil or gas, including drilling or excavation under water;
15. Clarify the jurisdiction of the Department of Environmental Protection and the Maine Land Use Regulation Commission when review is required under the laws governing site location of development and a development is located in areas both within and outside the jurisdiction of the Maine Land Use Regulation Commission;
16. Delete obsolete references to the "board of arbitration" from the laws governing oil spill damage claims;
17. Correct a statutory reference to oil storage tank rules administered by the State Fire Marshal in the laws governing coverage of oil spill clean-up costs by the Ground Water Oil Clean-up Fund. It also proposed to clarify that those seeking fund coverage of oil spill clean-up costs must pay a \$10,000 deductible if they failed to report the spill for which coverage is sought;
18. Correct a cross-reference in the laws governing the reporting and removal of hazardous matter discharges;
19. Amend the laws governing the reporting of hazardous matter discharges to incorporate revisions to the reportable quantities under federal law;
20. Amend the laws governing uncontrolled hazardous substance sites so that references to the Commissioner of Environmental Protection are gender neutral;
21. Amend the laws governing the recycling of electronic waste to change the date when the department must begin providing manufacturers of televisions and computer monitors with a listing of their pro rata share of the waste stream;

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22. Repeal a reporting and potential hearing requirement related to progress achieved in meeting the requirements of the Maine Revised Statutes, Title 38, section 414-C regarding color pollution control;
23. Change the annual due date for a report on dioxin from January 1st to March 31st; and
24. Correct a citation error.

**Committee Amendment "A" (H-564)**, the majority report, proposed to:

1. Clarify text describing the classification of the East Machias River tributaries;
2. Clarify the definition of "coastal wetlands" to make it consistent between the natural resources protection laws and the mandatory shoreland zoning laws;
3. Clarify that the oil or gas exploration or production development being addressed must include drilling or excavation under water;
4. Clarify the jurisdiction of the Department of Environmental Protection and the Maine Land Use Regulation Commission under the natural resources protection laws and the site location of development law when development activity spans both department and commission jurisdictions;
5. Provide for service of orders by a sheriff or deputy sheriff; delete provisions in the bill for service by certified mail; and add language requiring that the Board of Environmental Protection's decisions be in writing, signed by the chair and published within 2 working days of the decision;
6. Delete sections of the bill that proposed to change report dates;
7. Authorize a fee for after-the-fact applications submitted to the Department of Environmental Protection;
8. Add a new section authorizing the Department of Environmental Protection to participate in the regional greenhouse gas initiative outlined in Maine's climate action plan. The proposed amendment would authorize the department to submit legislation to implement measures necessary to meet the goals of Maine's climate action plan;
9. Extend the deadline by which the Board of Environmental Protection is to adopt rules that establish water use standards for maintaining in-stream flows and GPA lake or pond water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use; and
10. Add new sections that amend the laws on recycling of electronic waste to do the following:
  - A. Clarify that the law applies to manufacturers of covered electronic devices even if that manufacturer no longer produces the covered device;
  - B. Establish November 1, 2005 as the date by which the department must adopt rules specifying the procedure for allocating the costs of electronics recycling;
  - C. Change the date by which computer monitor manufacturers and television manufacturers are responsible for recycling of covered electronics;

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- D. Extend the effective date of the disposal ban on electronic waste from January 1, 2006 to 9 months after the Department of Environmental Protection adopts rules;
- E. Allow manufacturers of covered electronics to revise their plans for collecting and recycling the electronics as needed in response to changing circumstances; and
- F. Make the manufacturer of covered electronics liable for costs incurred by the State as a result of the manufacturer's failure to reimburse the costs of recycling covered electronics.

### ***Enacted law summary***

Public Law 2005, chapter 330 makes the following changes to laws administered by the Department of Environmental Protection.

1. It repeals sections providing for issuance of permits by the Board of Environmental Protection for activities affecting coastal wetlands.
2. It redirects appeals of decisions by the Board of Underground Oil Storage Tank Installers from District Court to Superior Court.
3. It clarifies that a producer of biofuels must offer the biofuels for sale and must receive income derived from the sale of the biofuels in order to qualify for an income tax credit.
4. It amends the requirement that the department always hold a presubmission meeting if a preapplication meeting is held. The bill provides that the department may choose not to hold a presubmission meeting if the department determines that the presubmission meeting is unnecessary and the applicant agrees not to hold a presubmission meeting.
5. It amends administrative appeal deadlines and service provisions.
6. It changes a date in the definition of "Code of Federal Regulations" to include regulations effective on or before January 1, 2005.
7. It changes a date in the definition of "Federal Water Pollution Control Act" to include amendments effective on or before January 1, 2005.
8. It changes the review period for a storm water application proposing solely vegetative measures from 30 to 45 days.
9. It clarifies the classification of waters to indicate that the "Clifford Brook" currently listed in the Maine Revised Statutes, Title 38, section 467, subsection 3, paragraph B, subparagraph (7) is located in Marion Township.
10. It amends the laws governing the protection of natural resources to add an exemption for the installation, maintenance or removal of a licensed overboard discharge treatment system, including the outfall pipe, if certain requirements are met.
11. It removes a reference to a list of endangered or threatened species that has been repealed and replaces it with a reference to a section that defines those terms.

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12. It restores a permit threshold to the laws governing site location of development specific to oil or gas exploration or production that includes drilling or excavation under water.
13. It deletes obsolete references to the "board of arbitration" from the laws governing oil spill damage claims.
14. It corrects a statutory reference to oil storage tank rules administered by the State Fire Marshal in the laws governing coverage of oil spill clean-up costs by the Ground Water Oil Clean-up Fund. It also clarifies that those seeking fund coverage of oil spill clean-up costs must pay a \$10,000 deductible if they failed to report the spill for which coverage is sought.
15. It corrects a cross-reference in the laws governing the reporting and removal of hazardous matter discharges.
16. It amends the laws governing the reporting of hazardous matter discharges to incorporate revisions to the reportable quantities under federal law.
17. It amends the laws governing uncontrolled hazardous substance sites so that references to the Commissioner of Environmental Protection are gender neutral.
18. It clarifies the definition of "coastal wetlands" and makes it consistent between the natural resources protection laws and the mandatory shoreland zoning laws.
19. It clarifies the jurisdiction of the Department of Environmental Protection and the Maine Land Use Regulation Commission under the natural resources protection laws and the site location of development law when development activity spans both department and commission jurisdictions.
20. It authorizes a fee for after-the-fact applications submitted to the Department of Environmental Protection.
21. It authorizes the Department of Environmental Protection to participate in the regional greenhouse gas initiative outlined in Maine's climate action plan. It also authorizes the department to submit legislation to implement measures necessary to meet the goals of Maine's climate action plan.
22. It extends the deadline by which the Board of Environmental Protection is to adopt rules that establish water use standards for maintaining in-stream flows and GPA lake or pond water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use.
23. It amends the laws on recycling of electronic waste to do the following:
  - A. It clarifies that the law applies to manufacturers of covered electronic devices even if that manufacturer no longer produces the covered device;
  - B. It establishes November 1, 2005 as the date by which the Department of Environmental Protection must adopt rules specifying the procedure for allocating the costs of electronics recycling;
  - C. It establishes 90 days after the department adopts rules as the date by which computer monitor manufacturers and television manufacturers are responsible for recycling of covered electronics;
  - D. It extends the effective date of the disposal ban on electronic waste from January 1, 2006 to 9 months after the department adopts rules;

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- E. It changes the date that the department must begin providing manufacturers of television and computer monitors with a listing of their pro rata share of the waste stream;
- F. It allows manufacturers of covered electronics to revise their plans for collecting and recycling the electronics as needed in response to changing circumstances; and
- G. It makes the manufacturer of covered electronics liable for costs incurred by the State as a result of the manufacturer's failure to reimburse the costs of recycling covered electronics.

**LD 1592**

**An Act Regarding Disposal of Dredged Materials**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

LD 1592 proposes to remove the provision in current law that exempts holders of a permit issued under the United States Clean Water Act, Public Law 92-500, Section 404 from obtaining a waste discharge license for the disposal of dredged materials into waters of the State. It also proposes to require coastal municipalities to develop a plan for the disposal of dredge spoils. LD 1592 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1633**

**An Act To Prohibit the Disposal of Dangerous and Unsafe Material in Solid Waste Facilities**

**PUBLIC 406  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

DAIGLE  
COWGER

OTP-AM MAJ  
OTP-AM MIN

H-551  
H-622 MILLS J

LD 1633 proposed to make it a Class E crime to knowingly conceal dangerous or unsafe material and dispose of that material in a solid waste facility.

**Committee Amendment "A" (H-551)**, the majority report, proposed to provide that rules adopted by the Department of Environmental Protection to define "dangerous or unsafe material" are routine technical rules. It also proposed to clarify the definition of "dangerous or unsafe material."

**Committee Amendment "B" (H-552)**, the minority report, proposed to direct the Department of Environmental Protection to develop an educational outreach effort for the purpose of educating the public on the proper disposal of propane tanks and other dangerous materials. This amendment was not adopted.

**House Amendment "A" (H-622)** proposed to change the penalty for concealing or disposing dangerous or unsafe material from a Class E crime to a civil violation.

### *Enacted law summary*

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Public Law 2005, chapter 406 makes it a civil violation to knowingly conceal dangerous or unsafe material and dispose of that material in a solid waste facility.

Public Law 2005, chapter 406 was enacted as an emergency measure effective June 17, 2005.

### LD 1643                      **An Act To Clarify and Harmonize State Policy on Groundwater Management**                      PUBLIC 452

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE COWGER	OTP-AM	H-547 H-711 DUPLESSIE

LD 1643 proposed to direct the Department of Conservation, the Department of Environmental Protection and the Department of Health and Human Services, when permitting groundwater withdrawals, to consider the effect of the proposed withdrawal on water-related natural resources and existing uses and the effect when considered in combination with existing water withdrawals. It further proposed to direct those departments and the Maine Land Use Regulation Commission to develop consistent review criteria for groundwater withdrawal applications by January 1, 2006 and to submit a report to the Governor and Legislature summarizing this effort. The Department of Environmental Protection and the Department of Health and Human Services, the Maine Land Use Regulation Commission and the Maine Geological Survey would be directed to review application fees to ensure that they adequately reflect the true cost of review. The Land and Water Resources Council would be directed to undertake a comprehensive study of state groundwater regulations. The purpose of the study would be to identify any further changes in state law needed to ensure a consistent, integrated and scientifically sound state policy with regard to groundwater withdrawal. The bill proposed to direct the Land and Water Resources Council to report its findings to the Legislature by January 15, 2007. It also proposed to direct those agencies to adopt any major substantive rules recommended by the Land and Water Resources Council by March 15, 2007.

**Committee Amendment "A" (H-547)** proposed to strike from the bill certain determinations that the Department of Health and Human Services would need to make in order for a new source of water supply to be approved. The proposed amendment would also designate rules to establish a consistent approach to the review of hydrogeological issues and to adjust permit fees as major substantive rules. It also proposed to change the structure of the work group that is formed to study state regulation of groundwater withdrawal and modify the issues that the work group is directed to consider.

**House Amendment "A" to Committee Amendment "A" (H-711)** proposed to bring Part C of the bill into conformity with the Joint Rules and Standards for Legislative Studies adopted by the Legislative Council.

#### ***Enacted law summary***

Public Law 2005, chapter 452 directs the Maine Land Use Regulation Commission, the Department of Environmental Protection and the Department of Health and Human Services, when permitting groundwater withdrawals, to consider the effect of the proposed withdrawal on water-related natural resources and existing uses and the effect when considered in combination with existing water withdrawals. It further directs those agencies to develop consistent review criteria for groundwater withdrawal applications by January 1, 2006 and to submit a report to the Governor and Legislature summarizing this effort. The Department of Environmental Protection, the Department of Health and Human Services, the Maine Land Use Regulation Commission and the Maine Geological Survey are directed to review application fees to ensure that they adequately reflect the true

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cost of review. The Land and Water Resources Council is directed to undertake a comprehensive study of state groundwater regulations. The purpose of the study is to identify any further changes in state law needed to ensure a consistent, integrated and scientifically sound state policy with regard to groundwater withdrawal. The Land and Water Resources Council will report its findings to the Legislature by November 1, 2007. Those agencies will adopt any major substantive rules recommended by the Land and Water Resources Council by March 15, 2007.

**LD 1664                      An Act To Limit Mercury Emissions from Crematoria                      ONTP**

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

LD 1664 proposed to require that, beginning October 1, 2006, a crematorium either remove dental amalgam fillings from a body prior to cremation or capture mercury from emissions prior to release into the air. The bill proposed to direct the Department of Environmental Protection to adopt routine technical rules to implement this requirement.

**LD 1669                      Resolve, To Authorize Certain Host Community Benefits Relative to a Landfill in the City of Old Town Owned by the State                      CARRIED OVER**

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

LD 1669 proposes to require the operator of the West Old Town Landfill to enter into a host community agreement with the City of Old Town on terms and conditions that are at least as favorable to the City of Old Town as the terms and conditions of the host community benefits described or detailed in the documents in the operator's bid in response to the request for proposals. It also proposes to require the host community agreement to include provisions for a payment in lieu of taxes. LD 1669 was carried over by H. P. 1203 to any special or regular session of the 122nd Legislature.