

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

July 2009

MEMBERS:

SEN. SETH A. GOODALL, CHAIR
SEN. DEBORAH L. SIMPSON
SEN. DOUGLAS M. SMITH

REP. ROBERT S. DUCHESNE, CHAIR
REP. JOHN L. MARTIN
REP. JANE E. EBERLE
REP. BRIAN D. BOLDUC
REP. MELISSA WALSH INNES
REP. JOAN W. WELSH
REP. JAMES MICHAEL HAMPER
REP. BERNARD L.A. AYOTTE
REP. PETER E. EDGECOMB
REP. JANE S. KNAPP

STAFF:

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

Joint Standing Committee on Natural Resources

LD 63 An Act To Reduce Registration Fees for Certain Generators of Biomedical Waste

ONTP

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

This bill requires the Department of Environmental Protection to adopt rules assessing a one-time registration fee of \$50 for generators of less than 10 pounds of biomedical waste per month in lieu of the current rules that provide for an annual registration fee. It also provides that a generator registered as producing less than 10 pounds of biomedical waste per month may not be reclassified based on immunizations for annual influenza or mass immunizations for a pandemic.

LD 107 An Act To Change the Classification of Man-made Wetlands

**ACCEPTED ONTP
REPORT**

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

The bill exempts man-made wetlands from state regulation under the Natural Resources Protection Act unless the man-made wetlands were created in connection with a compensation project.

Committee Amendment "A" (H-28)

This amendment incorporates a fiscal note. This amendment was not adopted.

LD 199 An Act To Facilitate Wind Power Siting

ONTP

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

This bill amends the laws governing the siting of wind energy developments. The bill grants the state-level wind power siting authority, which is the Department of Environmental Protection or the Maine Land Use Regulation Commission depending on the location of a given wind power development, sole jurisdiction for approving the construction and initial operation of a wind energy development. Specifically, the bill prohibits any other state or local governmental entity from requiring any approval, permit or other condition for the construction or initial operation of a wind energy development that has been certified or permitted by the wind power siting authority. The bill changes the terminology used in the law from "primary siting authority" to "wind power siting authority" to reflect the removal of any secondary authority over siting of wind power development.

The bill also amends the definition of "wind power siting authority" to specify the Department of Environmental Protection and the Maine Land Use Regulation Commission as the siting authority for the smaller-scale wind energy

Joint Standing Committee on Natural Resources

developments that are subject to approval by the department or commission. Under current law, the siting authority is only defined for the larger grid-scale wind energy developments. The bill also amends the law to require a wind power siting authority to hold a public hearing on any application for approval of a wind energy development and to require a decision in 210 days from acceptance of a complete application.

LD 207 An Act Concerning Regulation of Borrow Pit Excavations ONTP

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

This bill amends the law concerning borrow pits by removing the provision that requires an excavation to meet the performance standards if there is a common owner or operator of adjacent parcels and the total excavated area on the combined parcels is 5 acres or greater.

**LD 208 An Act To Require a Municipality That Abuts a Body of Water To
Contribute to the Cost of Upkeep of Municipally Owned Dams on That
Body of Water ONTP**

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

This bill requires the apportionment of maintenance and repair costs for municipally owned dams between the municipality that owns the dam and all municipalities that abut the body of water contained by the dam.

**LD 229 An Act To Promote Clean Waters in the State ACCEPTED ONTP
REPORT**

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

This bill prohibits the Department of Environmental Protection from licensing a discharge of untreated sewage to any water of the State by a municipal or quasi-municipal sewerage system beginning January 1, 2013. It also provides that beginning January 1, 2013 a municipality that discharges untreated sewage to any water of the State may not receive state-municipal revenue sharing.

Committee Amendment "A" (S-34)

This amendment adds a mandate preamble and an appropriations and allocations section. This amendment was not adopted.

Joint Standing Committee on Natural Resources

**LD 260 An Act To Provide Access to Regional Greenhouse Gas Initiative
Auction Funds to Maine Indian Tribes**

ONTP

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

This bill requires 5 percent of the annual receipts of the Energy and Carbon Savings Trust Fund to be allocated to the Passamaquoddy Tribe at Indian Township, Passamaquoddy Tribe at Pleasant Point, Penobscot Nation, Houlton Band of Maliseet Indians and Aroostook Band of Micmacs.

**LD 298 An Act Regarding the Labeling of Wood Pellet and Biomass Heating
Fuel Sold in the State**

**ACCEPTED
REPORT A
(ONTP)**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM	ONTP A OTP-AM B REF TO ACF C	

This bill defines "biomass heating fuel" as wood pellets or corn or grain that is in a form designed to be used as heating fuel for residential purposes. It requires packages containing biomass heating fuel that are sold in this State to be labeled in a manner that clearly indicates whether the biomass heating fuel meets quality assurance standards established by the Department of Environmental Protection. It requires the Department of Environmental Protection to adopt major substantive rules to establish labeling standards for packages of biomass heating fuel weighing 60 pounds or less intended to be sold in stores to the general public that incorporate standards established by a national pellet fuels trade association and permit the use of the logo, terms and grades established by the national pellet fuels trade association only if the biomass heating fuel meets that association's relevant quality assurance standards. It makes a violation an unfair trade practice as prohibited by the Maine Revised Statutes, Title 5, section 207.

Committee Amendment "A" (H-54)

This amendment adds an appropriations and allocations section to the bill. This amendment was not adopted.

LD 330 An Act To Change the Classification of Certain Waters of the State

PUBLIC 163

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE SIMPSON	OTP-AM A OTP-AM B OTP-AM C	H-70

This bill does the following.

1. It adds a condition in the water classification law that allows the Legislature to make classification changes and set effective dates for those changes. It allows the commissioner to make changes in management to allow water quality to attain the new classification by an effective date determined by the Legislature.

Joint Standing Committee on Natural Resources

2. It upgrades the classification of Abbott Brook and tributaries in Lincoln Plantation from Class A to Class AA.
3. It upgrades the classification of Aunt Hannah Brook and its tributaries in Dixfield from Class B to Class A.
4. It upgrades the classification of the Kennebec River from downstream of the Shawmut Dam to the confluence with Messalonskee Stream, excluding impoundments, from Class C to Class B.
5. It upgrades the classification of tidal sections of tributaries entering the Kennebec River between the Sidney, Vassalboro and Augusta town line and a line drawn across the tidal estuary of the Kennebec River due east of Abagadasset Point from Class C to Class B, except that the tidal section of the Eastern River would remain Class C.
6. It upgrades the classification of Alder Stream and its tributaries from Class B to Class A and upgrades tributaries to Seboeis Stream from Class B to Class A.
7. It upgrades the classification of selected tributaries of Souadabscook Stream from Class B to Class A. It also upgrades the classification of tributaries to Mattamiscontis Stream from Class B to Class A.
8. It upgrades the classification of Crooked River at Scribners Mill from A to AA.
9. It upgrades the classification of South River and its tributaries from Class B to Class A.
10. It clarifies the Maine Revised Statutes, Title 38, section 467, subsection 13, paragraph A to recognize that the ecological functioning of the described section of the St. Croix River is more similar to a great pond than a river. The classification would be changed from Class B to Class GPA.
11. It changes the landmark used to designate the classification change from Class A to Class B on the St. John River.
12. It upgrades the classification of Beaver Brook and its tributaries in T.14 R.6 W.E.L.S., T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Portage Lake, Ashland, Castle Hill from Class B to Class A. It also upgrades the classification of Gardner Brook and its tributaries in T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S. and Wade from Class B to Class A.
13. It upgrades the classification of Violette Stream and its tributaries from its source to the confluence with Caniba Brook from Class B to Class A.
14. It upgrades the classification of the Little River and its tributaries in Berwick, North Berwick and Lebanon from Class B to Class A.
15. It clarifies that the segment of Trout Brook that serves as the town border between Cape Elizabeth and South Portland is Class C.
16. It clarifies that all of Stroudwater River in Portland, including its tributaries, is Class B.
17. It upgrades the classification of the upper reaches of the Nonesuch River to a point 1/2 mile downstream of Mitchell Hill Road crossing from Class C to Class B and upgrades the Stroudwater River and its tributaries in Scarborough to Class B.
18. It clarifies that Trout Brook downstream of the first point where the brook becomes the town boundary between South Portland and Cape Elizabeth is Class C.
19. It upgrades the Pemaquid River in Bristol, including tributaries, below Pemaquid Pond from Class B to Class A.

Joint Standing Committee on Natural Resources

20. It upgrades the classification of Black Brook, Kendall Brook and Tucker Brook in Lincolnville from Class B to Class A.

21. It upgrades the classification of tidal waters of The Basin, including The Narrows, east of a line drawn between 69°-51'-57" W. and 43°-48'-14" N. from Class SB to Class SA.

22. It provides for a report to the Joint Standing Committee on Natural Resources from the Department of Environmental Protection by January 15, 2010 concerning a review of reclassification procedures.

Committee Amendment "A" (H-70)

This amendment is the majority report of the committee. The amendment:

1. Strikes section 1 from the bill;
2. Adds language to the bill that keeps certain Kennebec River impoundments at Class C;
3. Strikes section 11 from the bill;
4. Adds language making Long Creek's main stem in Westbrook Class C;
5. Makes a typographical correction in section 24; and
6. Directs the Department of Environmental Protection to establish and implement a water quality sampling program for the lower Androscoggin River, to initiate the procedures for reclassification and to report to the Joint Standing Committee on Natural Resources. It authorizes the committee to report out legislation relating to the water sampling program to the Second Regular Session of the 124th Legislature.

Committee Amendment "B" (H-71)

This amendment is a minority report of the committee. The amendment differs from the majority report in that it strikes section 8 from the bill. The amendment also:

1. Strikes section 1 from the bill;
2. Adds language to the bill that keeps certain Kennebec River impoundments at Class C;
3. Strikes section 11 from the bill;
4. Adds language making Long Creek's main stem in Westbrook Class C;
5. Makes a typographical correction in section 24; and
6. Directs the Department of Environmental Protection to establish and implement a water quality sampling program for the lower Androscoggin River, to initiate the procedures for reclassification and to report to the Joint Standing Committee on Natural Resources. It authorizes the committee to report out legislation relating to the water sampling program to the Second Regular Session of the 124th Legislature.

This amendment was not adopted.

Committee Amendment "C" (H-72)

This amendment is a minority report of the committee. The amendment differs from the majority report in that it does not add language making the Long Creek, main stem in Westbrook Class C. The amendment also:

Joint Standing Committee on Natural Resources

1. Strikes section 1 from the bill;
2. Adds language to the bill that keeps certain Kennebec River impoundments at Class C;
3. Strikes section 11 from the bill;
4. Makes a typographical correction in section 24; and
5. Directs the Department of Environmental Protection to establish and implement a water quality sampling program for the lower Androscoggin River, to initiate the procedures for reclassification and to report to the Joint Standing Committee on Natural Resources. It authorizes the committee to report out legislation relating to the water sampling program to the Second Regular Session of the 124th Legislature.

This amendment was not adopted.

Enacted Law Summary

Public Law 2009, chapter 163 does the following.

1. It upgrades the classification of Abbott Brook and tributaries in Lincoln Plantation from Class A to Class AA.
2. It upgrades the classification of Aunt Hannah Brook and its tributaries in Dixfield from Class B to Class A.
3. It upgrades the classification of the Kennebec River from downstream of the Shawmut Dam to the confluence with Messalonskee Stream, excluding impoundments, from Class C to Class B. Waters impounded by the Hydro-Kennebec Dam and the Lockwood Dam in Waterville-Winslow are Class C.
4. It upgrades the classification of tidal sections of tributaries entering the Kennebec River between the Sidney, Vassalboro and Augusta town line and a line drawn across the tidal estuary of the Kennebec River due east of Abagadasset Point from Class C to Class B, except that the tidal section of the Eastern River would remain Class C.
5. It upgrades the classification of Alder Stream and its tributaries from Class B to Class A and upgrades tributaries to Seboeis Stream from Class B to Class A.
6. It upgrades the classification of selected tributaries of Souadabscook Stream from Class B to Class A. It also upgrades the classification of tributaries to Mattamiscontis Stream from Class B to Class A.
7. It upgrades the classification of Crooked River at Scribners Mill from A to AA.
8. It upgrades the classification of South River and its tributaries from Class B to Class A.
9. It clarifies the Maine Revised Statutes, Title 38, section 467, subsection 13, paragraph A to recognize that the ecological functioning of the described section of the St. Croix River is more similar to a great pond than a river. The classification would be changed from Class B to Class GPA.
10. It upgrades the classification of Beaver Brook and its tributaries in T.14 R.6 W.E.L.S., T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Portage Lake, Ashland, Castle Hill from Class B to Class A. It also upgrades the classification of Gardner Brook and its tributaries in T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S. and Wade from Class B to Class A.
11. It upgrades the classification of Violette Stream and its tributaries from its source to the confluence with Caniba Brook from Class B to Class A.

Joint Standing Committee on Natural Resources

12. It upgrades the classification of the Little River and its tributaries in Berwick, North Berwick and Lebanon from Class B to Class A.
13. It clarifies that the segment of Trout Brook that serves as the town border between Cape Elizabeth and South Portland is Class C.
14. It clarifies that all of Stroudwater River in Portland, including its tributaries, is Class B.
15. It upgrades the classification of the upper reaches of the Nonesuch River to a point 1/2 mile downstream of Mitchell Hill Road crossing from Class C to Class B and upgrades the Stroudwater River and its tributaries in Scarborough to Class B.
16. It clarifies that Trout Brook downstream of the first point where the brook becomes the town boundary between South Portland and Cape Elizabeth is Class C.
17. It upgrades the Pemaquid River in Bristol, including tributaries, below Pemaquid Pond from Class B to Class A.
18. It upgrades the classification of Black Brook, Kendall Brook and Tucker Brook in Lincolnville from Class B to Class A.
19. It upgrades the classification of tidal waters of The Basin, including The Narrows, east of a line drawn between 69°-51'-57" W. and 43°-48'-14" N. from Class SB to Class SA.
20. It specifies that Long Creek's main stem in Westbrook is Class C.
21. It provides for a report to the Joint Standing Committee on Natural Resources from the Department of Environmental Protection by January 15, 2010 concerning a review of reclassification procedures.
22. It directs the Department of Environmental Protection to establish and implement a water quality sampling program for the lower Androscoggin River, to initiate the procedures for reclassification and to report to the Joint Standing Committee on Natural Resources. It authorizes the committee to report out legislation relating to the water sampling program to the Second Regular Session of the 124th Legislature.

LD 348 An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways

PUBLIC 75

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-21

This bill amends the Natural Resources Protection Act to specify that a permit is not required for:

1. The erection, maintenance, repair or alteration of a fishway in a dam or other artificial obstruction when required or performed by the Commissioner of Inland Fisheries and Wildlife or the Commissioner of Marine Resources;
2. Activity associated with the release of water from an abandoned dam pursuant to an order issued by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 905; and
3. Activity associated with the breach or removal of a dam pursuant to a dam safety order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (S-21)

This amendment amends the exemption for fishway proceedings in the bill to be consistent with the provisions in the Maine Revised Statutes, Title 12, section 12760 and Title 12, section 6121. The bill exempts from the Natural Resources Protection Act the erection, maintenance, repair or alteration of a fishway in a dam when required or performed by the Commissioner of Inland Fisheries and Wildlife or the Commissioner of Marine Resources; the amendment removes "or performed." The amendment also amends the exemption for abandoned dams by removing the term "abandoned" to be consistent with provisions in Title 38, section 905.

Enacted Law Summary

Public Law 2009, chapter 75 amends the Natural Resources Protection Act to specify that a permit is not required for:

1. The erection, maintenance, repair or alteration of a fishway in a dam or other artificial obstruction when required by the Commissioner of Inland Fisheries and Wildlife or the Commissioner of Marine Resources;
2. Activity associated with the release of water from a dam pursuant to an order issued by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 905; and
3. Activity associated with the breach or removal of a dam pursuant to a dam safety order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24.

LD 351 An Act Regarding the Regulation of Agricultural Composting Operations

ACCEPTED ONTP
REPORT

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

This bill was jointly referred to the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Agriculture, Conservation and Forestry. The bill requires commercial agricultural composting operations to register with the Department of Agriculture, Food and Rural Resources and directs the Commissioner of Agriculture, Food and Rural Resources to adopt rules concerning best management practices for commercial agricultural composting operations. It authorizes the commissioner or the commissioner's designee to enter the premises of a commercial agricultural composting operation to inspect for compliance with best management practices. It removes commercial agricultural composting operations from regulation by the Department of Environmental Protection as waste facilities.

Committee Amendment "A" (S-165)

The amendment replaces the bill with a resolve and changes the title. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Natural Resources to submit legislation relating to the regulation of agricultural composting operations to the Second Regular Session of the 124th Legislature. This amendment was not adopted.

Joint Standing Committee on Natural Resources

**LD 363 An Act To Allow State Agencies To Acquire and Sell Carbon Credits
under the Regional Greenhouse Gas Initiative**

ONTP

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

This bill requires the Department of Environmental Protection to include in the rules governing the regional greenhouse gas initiative provisions for the buying and selling of carbon dioxide emissions allowances by state agencies.

**LD 367 Resolve, To Convene a Work Group To Design and Implement a
Statewide Disposable Checkout Bag Reduction Campaign, with
Benchmarks**

RESOLVE 54

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-97

This bill requires retailers to charge 10 cents for each plastic bag used by customers. The funds must be remitted to the Department of Environmental Protection and deposited into the Waste Reduction and Recycling Loan Fund under the Maine Revised Statutes, Title 10, section 1023-G.

Committee Amendment "A" (S-97)

This amendment replaces the bill with a resolve. The resolve requires the Executive Department, State Planning Office to establish a work group consisting of agencies, organizations and businesses for the purpose of reducing the distribution of disposable checkout bags. The work group is charged with assessing recycling infrastructure capacities, developing language for a memorandum of understanding with goals and benchmarks for reducing the use of disposable checkout bags, designing a statewide promotional campaign and identifying funding sources. The work group is directed to submit a report to the Joint Standing Committee on Natural Resources, and the committee is authorized to report out legislation relating to the report.

Enacted Law Summary

Resolve 2009, chapter 54 requires the Executive Department, State Planning Office to establish a work group consisting of agencies, organizations and businesses for the purpose of reducing the distribution of disposable checkout bags. The work group is charged with assessing recycling infrastructure capacities, developing language for a memorandum of understanding with goals and benchmarks for reducing the use of disposable checkout bags, designing a statewide promotional campaign and identifying funding sources. The work group is directed to submit a report to the Joint Standing Committee on Natural Resources, and the committee is authorized to report out legislation relating to the report.

Joint Standing Committee on Natural Resources

LD 387 An Act To Protect Groundwater and Surface Water from Contamination

LEAVE TO WITHDRAW

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

This bill defines "offal." The bill also requires the Board of Environmental Protection to adopt rules relating to the composting of offal. The bill also limits the volume of offal that a hazardous waste site or facility may compost to 30 cubic yards in any 30-day period without the site's or facility's first obtaining a license.

LD 431 An Act To Make the Site Location of Development Laws More Development Friendly

ONTP

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

The site location of development laws currently require state review of any proposed structure that would result in a total project occupying a ground area in excess of 3 acres. This 3-acre threshold for review includes areas that are stripped or graded and not revegetated within one calendar year. This bill extends from one year to 10 years the amount of time a developer has to revegetate stripped or graded areas before those areas can be included in calculating the 3-acre site law review threshold.

LD 460 Resolve, To Evaluate Climate Change Adaptation Options for the State

RESOLVE 16

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

This resolve directs the Department of Environmental Protection to create a stakeholder group to evaluate the options available to Maine people and businesses for adapting to the most likely impacts of climate change and to focus on the climate impact assessment by the University of Maine that concluded that climate change is already occurring in the State as a result of increased levels of greenhouse gases in the atmosphere. The department is to report recommendations, along with proposed legislation, to the Joint Standing Committee on Natural Resources by February 27, 2010.

Enacted Law Summary

Resolve 2009, chapter 16 directs the Department of Environmental Protection to create a stakeholder group to evaluate the options available to Maine people and businesses for adapting to the most likely impacts of climate change and to focus on the climate impact assessment by the University of Maine. The department is to report recommendations, along with proposed legislation, to the Joint Standing Committee on Natural Resources by February 27, 2010 and the committee is authorized to submit legislation related to the report to the Second Regular

Joint Standing Committee on Natural Resources

Session of the 124th Legislature.

LD 476 An Act To Amend Certain Laws Administered by the Department of Environmental Protection

PUBLIC 121

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-56

This bill:

1. Amends the Maine Revised Statutes to add “remand” to the list of actions the Board of Environmental Protection may take in response to an appeal of a commissioner’s licensing decision;
2. Amends the length of terms on the Pollution Prevention Advisory Committee from 3 years to 4 years;
3. Amends the Clean Government Initiative by removing the requirement to file biennial plans and adding state-supported institutions of higher learning to those agencies whose activities must be reported to the Legislature;
4. Clarifies the Department of Environmental Protection’s authority to consider license amendment and surrender applications;
5. Changes a reference date in the definitions of "Code of Federal Regulations" and the "Federal Water Pollution Control Act" from July 1, 2007 to July 1, 2009;
6. Authorizes the department to recover the cost of preparing and implementing a plan to restore natural resources damaged by the discharge of oil or hazardous matter from the persons responsible for the discharge;
7. Clarifies the scope and purpose of Title 38, chapter 3, subchapter 2-B, which governs oil storage tanks;
8. Amends the laws governing oil storage tanks to clarify that a person who suffers a discharge from an oil storage tank must clean it up immediately whether or not the discharge is shown to reach groundwater, encourage the reporting of discharges from oil storage tanks whether or not the discharge is known to have reached groundwater and clarify that money may be disbursed from the Ground Water Oil Clean-up Fund to pay damages related to a discharge from an oil storage facility whether or not the discharge is shown to have reached groundwater;
9. Amends Maine’s ambient air quality standards for particulate matter to make them consistent with national ambient air quality standards for particulate matter;
10. Requires the Commissioner of Environmental Protection to charge interest at a rate of 15% per annum on amounts owed to the Uncontrolled Sites Fund by responsible parties; and
11. Clarifies the applicability of the laws banning the sale of products that contain polybrominated diphenyl ether.

Committee Amendment "A" (S-56)

This amendment makes the following changes to the bill.

1. It clarifies a provision in the bill regarding voluntary surrender of a license.
2. It changes a term used in the bill from "an oil storage facility" to "an underground oil storage facility or an

Joint Standing Committee on Natural Resources

aboveground oil storage facility" since the term "oil storage facility" is not defined in statute.

3. It amends a provision in the bill that authorizes the Commissioner of Environmental Protection to charge interest.
4. It strikes a provision in the bill that repealed the exemptions to the "deca" sales ban.
5. It adds a provision to the bill that allows a de minimis level of the "deca" mixture of polybrominated diphenyl ethers in electronics to be consistent with the de minimis level allowed in products containing the "penta" and "octa" mixtures.
6. It adds a provision to the bill that amends the law governing recovery of costs incurred to undertake the abandonment of underground oil storage facilities and tanks. It directs the commissioner to seek recovery of those costs regardless of whether the costs were paid from state or federal funds.

Enacted Law Summary

Public Law 2009, chapter 121:

1. Amends the Maine Revised Statutes to add "remand" to the list of actions the Board of Environmental Protection may take in response to an appeal of a commissioner's licensing decision;
2. Amends the length of terms on the Pollution Prevention Advisory Committee from 3 years to 4 years;
3. Amends the Clean Government Initiative by removing the requirement to file biennial plans and adding state-supported institutions of higher learning to those agencies whose activities must be reported to the Legislature;
4. Clarifies that a license may be voluntarily surrendered by the license holder;
5. Changes a reference date in the definitions of "Code of Federal Regulations" and the "Federal Water Pollution Control Act" from July 1, 2007 to July 1, 2009;
6. Authorizes the department to recover the cost of preparing and implementing a plan to restore natural resources damaged by the discharge of oil or hazardous matter from the persons responsible for the discharge;
7. Clarifies the scope and purpose of Title 38, chapter 3, subchapter 2-B, which governs oil storage tanks;
8. Amends the laws governing oil storage tanks to clarify that a person who suffers a discharge from an oil storage tank must clean it up immediately whether or not the discharge is shown to reach groundwater, encourage the reporting of discharges from oil storage tanks whether or not the discharge is known to have reached groundwater and clarify that money may be disbursed from the Ground Water Oil Clean-up Fund to pay damages related to a discharge from an oil storage facility whether or not the discharge is shown to have reached groundwater;
9. Amends Maine's ambient air quality standards for particulate matter to make them consistent with national ambient air quality standards for particulate matter;
10. Requires the Commissioner of Environmental Protection to charge interest at a rate not to exceed the prime rate of interest plus 4% on amounts owed to the Uncontrolled Sites Fund by responsible parties;
11. Allows a de minimis level of the "deca" mixture of polybrominated diphenyl ethers in electronics to be consistent with the de minimis level allowed in products containing the "penta" and "octa" mixtures; and
12. Amends the law governing recovery of costs incurred to undertake the abandonment of underground oil storage facilities and tanks. It directs the commissioner to seek recovery of those costs regardless of whether the costs were

Joint Standing Committee on Natural Resources

paid from state or federal funds.

LD 506 An Act To Protect Public Safety and Provide for the Prudent Use of Landfill Capacity **ONTP**

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

This bill provides that a person may not deliver waste of any kind in a vehicle with a gross vehicle weight of more than 80,000 pounds to a solid waste disposal facility, solid waste facility, solid waste landfill or waste facility if that facility or landfill is owned by the State and has been expanded on or after October 1, 2009. It also provides that the operator of a solid waste disposal facility, solid waste facility, solid waste landfill or waste facility that has been expanded on or after the effective date of this Act and is owned by the State may not accept for delivery at that facility or landfill waste of any kind that has been hauled in a vehicle with a gross vehicle weight of more than 80,000 pounds. The bill requires the Executive Department, State Planning Office and the Department of Environmental Protection to determine the solid waste disposal capacity needs of the State as of January 1, 2009 for 3, 5 and 10 years and report their findings to the Joint Standing Committee on Natural Resources no later than November 5, 2009. Based on the capacity needs as of January 1, 2009, the State Planning Office and the Department of Environmental Protection shall determine the capacity of state-owned landfills. The State Planning Office and the Department of Environmental Protection shall determine their ability to control the different and various waste streams flowing into state-owned landfills, broken down by waste stream and by the sources of these waste streams, whether in-state or out-of-state. The Department of Environmental Protection shall determine how best to control the flow of waste coming into the State in order to ensure the longevity of state-owned landfills and save taxpayers money. The Department of Environmental Protection shall adopt major substantive rules to extend the life of state-owned landfills.

LD 515 An Act To Allow a Municipality To Recover Emergency Response Costs from a Natural Gas Utility in Certain Cases **ONTP**

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

This bill clarifies that the term "hazardous matter" includes natural gas that has been released into ambient air in order for that event to qualify for reimbursement when municipalities recover emergency response costs.

LD 535 An Act To Allow the Temporary Placement of Structures To Protect Property from Natural Disasters **ONTP**

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

This bill allows an owner or occupier of a property to erect a temporary structure on the property without a permit to protect the property from a natural disaster, occurrence or event. The structure must be removed as soon as

Joint Standing Committee on Natural Resources

practicable within seven months of its completion. A support or substructure for the structure may remain if the support or substructure does not interfere with any natural element or process.

LD 536 An Act To Enhance Maine's Electronic Waste Recycling Law

PUBLIC 397

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK GOODALL	OTP-AM MAJ OTP-AM MIN	H-499 S-307 GOODALL

This bill amends Maine's electronics recycling laws to do the following.

1. It adds desktop printers and video game consoles to the electronic devices covered by the recycling laws.
2. It clarifies that digital picture frames are a type of computer monitor and, as such, are subject to the recycling laws.
3. It repeals provisions that currently require manufacturers of covered electronic devices to submit a recycling plan and an annual report to the Department of Environmental Protection and replaces the repealed manufacturer responsibility provisions with an annual registration requirement.

Committee Amendment "A" (H-499)

This amendment is the majority report of the committee. The amendment requires manufacturers of computer monitors, televisions, desktop printers and video game consoles to pay an annual registration fee of \$3,000. Effective January 1, 2010, it changes the basis for video game console manufacturers' responsibility for recycling video game consoles to a market share basis and it removes television manufacturers' responsibility for recycling televisions under a return share basis.

Committee Amendment "B" (H-500)

This amendment is the minority report of the committee. Effective January 1, 2010, it changes the basis for video game console manufacturers' responsibility for recycling video game consoles to a market share basis and it removes television manufacturers' responsibility for recycling televisions under a return share basis. It differs from the majority report in that it does not require manufacturers of computer monitors, televisions, desktop printers and video game consoles to pay an annual registration fee of \$3,000. This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-307)

This amendment corrects a conflict between the enacted versions of LD 536 and LD 1156. It incorporates the changes made in this bill to those recently enacted in Public Law 2009, chapter 231. This amendment strikes the emergency preamble and emergency clause and extends the date by which manufacturers must submit the first registration from July 1, 2009 to July 1, 2010.

Enacted Law Summary

Public Law 2009, chapter 397 amends Maine's electronics recycling laws to do the following.

1. It adds desktop printers and video game consoles to the electronic devices covered by the recycling laws.
2. It clarifies that digital picture frames are a type of computer monitor and, as such, are subject to the recycling laws.

Joint Standing Committee on Natural Resources

- 3. It provides for desktop printer manufacturers' responsibility for recycling under a return share basis and video game console manufacturers' responsibility for recycling under a market share basis.
- 4. It requires manufacturers of computer monitors, televisions, desktop printers and video game consoles to register with the Department of Environmental Protection and pay an annual registration fee of \$3,000.
- 5. It incorporates the provisions of the adopted amendments into the changes enacted in Public Law 2009, chapter 231.

LD 644 An Act To Allow the Sale and Use of Fuel Containing MTBE in a Vehicle in a Competitive Event

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEWIN NASS R	ONTP MAJ OTP MIN	

This bill allows gasoline containing MTBE to be sold for or used by a motor vehicle in a race as long as the gasoline with MTBE is sold and distributed in prepackaged drums, pails or containers.

LD 645 An Act To Provide for Municipal Oversight and Authority over Groundwater Extraction

ONTP

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

This bill amends the law governing the authority of municipal officers to adopt regulations governing the surface uses of public water sources. It adds the authority to adopt regulations governing the extraction and removal of groundwater, spring water or water from aquifers. It also amends current law by authorizing municipal officers to regulate surface uses of land overlying groundwater aquifers and their recharge areas used as sources for private wells for domestic purposes. The bill also provides that if such a regulation is ratified by the legislative body of a municipality, the municipal officers must submit for approval an ordinance governing the pumping or extraction of groundwater, spring water or water from aquifers.

LD 646 An Act To Improve the Water Quality of Maine's Rivers

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend current law to prohibit all discharges from pulp and paper mills and municipalities into rivers in the State.

Joint Standing Committee on Natural Resources

LD 663 An Act To Clarify A Municipality's Authority To Pass Ordinances That Govern the Extraction of Groundwater ONTP

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

This bill authorizes municipalities to adopt ordinances regulating groundwater extraction and makes it clear that the laws regarding the transport of water and the establishment of significant groundwater wells do not limit the authority of a municipality to adopt a groundwater extraction ordinance that is more stringent than state law.

LD 686 An Act To Require Semiannual Testing in Certain Gravel Pits ONTP

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

This bill requires the Department of Environmental Protection to biannually perform tests at each gravel pit to determine the presence of toxic substances in the soil, air and waters surrounding the site. It also requires the department to publish the results of the tests on the department's publicly accessible website and to submit the results to the municipality in which the site is located.

LD 722 Resolve, Directing a Review of the Management of Risks Associated with Surface Uses on Public Water Supplies RESOLVE 32

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH	OTP-AM	H-99

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to manage risks associated with surface uses on public water supplies.

Committee Amendment "A" (H-99)

This amendment replaces the bill with a resolve. It directs the drinking water program of the Department of Health and Human Services to review and make recommendations on the management of risks associated with surface uses on lakes and ponds that are public water supplies. It authorizes the Joint Standing Committee on Natural Resources to submit legislation concerning the recommendations to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 32 directs the drinking water program of the Department of Health and Human Services to review and make recommendations on the management of risks associated with surface uses on lakes and ponds that are public water supplies. It authorizes the Joint Standing Committee on Natural Resources to submit legislation concerning the recommendations to the Second Regular Session of the 124th Legislature.

Joint Standing Committee on Natural Resources

LD 723 Resolve, To Require the Department of Environmental Protection To Amend Its Rules for Hydropower Projects To Require a Detailed Cost-benefit Analysis

**ACCEPTED ONTP
REPORT**

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

This resolve requires the Department of Environmental Protection to amend its rules for hydropower projects to require a detailed cost-benefit analysis.

Committee Amendment "A" (S-51)

Since the Department of Environmental Protection and the Maine Land Use Regulation Commission jointly adopted the administrative regulations for hydropower projects, the amendment requires both the Maine Land Use Regulation Commission and the Department of Environmental Protection to amend their rules. This amendment was not adopted.

LD 746 An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Natural Resources

ONTP

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

This bill eliminates the Department of Environmental Protection, Office of Innovation and Assistance and transfers the duties of that office to the Department of Economic and Community Development, Office of Innovation. This bill also eliminates funding for a total of seven positions within the Department of Environmental Protection, five of which are associated with the Office of Innovation and Assistance and two whose duties include serving as legislative liaisons for the department.

LD 759 An Act To Require State-owned Solid Waste Disposal Facilities To Demonstrate a Public Benefit

PUBLIC 348

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

Under current law, a state-owned landfill that was in operation prior to June 1, 2007 or an expansion of that facility is exempt from demonstrating a significant public benefit. The bill removes that exemption.

Enacted Law Summary

Public Law 2009, chapter 348 amends the law that exempts a state-owned landfill that was in operation prior to June 1, 2007 or an expansion of that facility from demonstrating a significant public benefit. Chapter 348 removes that

Joint Standing Committee on Natural Resources

exemption.

LD 760 An Act To Improve Landfill Capacity

PUBLIC 412

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE GOODALL	OTP-AM	H-451 H-520 DUCHESNE

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to increase the availability of landfill space by either conserving capacity in current publicly owned landfills or allowing limited expansion of current privately owned landfills.

Committee Amendment "A" (H-451)

This amendment replaces the bill and it does the following.

Part A makes changes to the laws governing processing facilities that generate residue requiring disposal. Current law requires processing facilities that generate residue requiring disposal to recycle waste accepted at the facility "to the maximum extent practicable," but in no case at a rate less than 50%. Current law also requires the Department of Environmental Protection to adopt major substantive rules relating to processing facility recycling and prohibits the department from enforcing the recycling requirements of the law until the rules defining "to the maximum extent practicable" are in effect. The amendment changes the rules from major substantive to routine technical and removes the provision that prohibits the Department of Environmental Protection from enforcing the recycling requirements until the rules defining "to the maximum extent practicable" are in effect. The amendment also requires the Department of Environmental Protection to submit a report to the Joint Standing Committee on Natural Resources by February 1, 2010 relating to the development and status of the rules that define "to the maximum extent practicable" and authorizes the committee to submit legislation to the Second Regular Session of the 124th Legislature. The amendment also requires the Department of Environmental Protection to adopt rules that define "to the maximum extent practicable" by April 1, 2010.

Part B changes the session at which the Joint Standing Committee on Natural Resources is authorized to report out legislation relating to duties and responsibilities of the Department of Environmental Protection and the Executive Department, State Planning Office regarding solid waste management duties and responsibilities. Current law authorizes the committee to report out legislation to the First Regular Session of the 124th Legislature; the amendment authorizes the committee to report out legislation to the Second Regular Session of the 124th Legislature. The amendment also requires the State Planning Office to conduct a review and assessment of the State's solid waste management policy with a focus on state-owned landfill funding, management and operation and authorizes the Joint Standing Committee on Natural Resources to submit legislation to the Second Regular Session of the 124th Legislature.

Part C amends the law that prohibits expansion of commercial solid waste disposal facilities by authorizing a commercial landfill that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the licensee. Current law requires that the proposed expansion be contiguous with the existing facility and be located on property owned on December 31, 1989 by the licensee or by a corporation or other business entity under common ownership or control with the licensee.

House Amendment "B" To Committee Amendment "A" (H-520)

Joint Standing Committee on Natural Resources

This amendment removes the provision in the committee amendment that authorizes a commercial landfill that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the licensee and instead directs the Executive Department, State Planning Office to include in its study whether the existing law should be amended.

Enacted Law Summary

Public Law 2009, chapter 412 does the following.

Part A makes changes to the laws governing processing facilities that generate residue requiring disposal. Current law requires processing facilities that generate residue requiring disposal to recycle waste accepted at the facility "to the maximum extent practicable," but in no case at a rate less than 50%. Current law also requires the Department of Environmental Protection to adopt major substantive rules relating to processing facility recycling and prohibits the department from enforcing the recycling requirements of the law until the rules defining "to the maximum extent practicable" are in effect. Chapter 412 changes the rules from major substantive to routine technical and removes the provision that prohibits the Department of Environmental Protection from enforcing the recycling requirements until the rules defining "to the maximum extent practicable" are in effect. Chapter 412 also requires the Department of Environmental Protection to submit a report to the Joint Standing Committee on Natural Resources by February 1, 2010 relating to the development and status of the rules that define "to the maximum extent practicable" and authorizes the committee to submit legislation to the Second Regular Session of the 124th Legislature. Chapter 412 also requires the Department of Environmental Protection to adopt rules that define "to the maximum extent practicable" by April 1, 2010.

Part B changes the session at which the Joint Standing Committee on Natural Resources is authorized to report out legislation relating to duties and responsibilities of the Department of Environmental Protection and the Executive Department, State Planning Office regarding solid waste management duties and responsibilities. Current law authorizes the committee to report out legislation to the First Regular Session of the 124th Legislature; chapter 412 authorizes the committee to report out legislation to the Second Regular Session of the 124th Legislature. Chapter 412 also requires the State Planning Office to conduct a review and assessment of the State's solid waste management policy with a focus on state-owned landfill funding, management and operation. The State Planning Office's review must also include whether the current restriction on the expansion of commercial solid waste disposal facilities should be amended to allow a currently existing facility to expand onto contiguous property. The Joint Standing Committee on Natural Resources is authorized to submit legislation to the Second Regular Session of the 124th Legislature.

LD 837 An Act To Protect Maine's Groundwater

ONTP

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

This bill provides that the people of this State have the same common interest in groundwater as in fresh surface waters. It also provides that groundwater is due all the same protections as fresh surface waters in lakes and streams.

Joint Standing Committee on Natural Resources

LD 860 An Act Relating to Geothermal Heat Exchange Wells

PUBLIC 153

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE GOODALL	OTP-AM	H-177

This bill provides the Maine Water Well Commission, which currently oversees well drillers, well drilling companies, pump installers and pump installation companies, with the oversight of geothermal heat exchange wells and geothermal heat exchange well drillers.

Committee Amendment "A" (H-177)

This amendment adds geothermal heat exchange well pump installers to the provisions of the bill. It directs the Maine Water Well Commission to adopt rules establishing a licensing structure for geothermal heat exchange well drillers and geothermal heat exchange well pump installers. It makes the initial rules major substantive; subsequent rules are routine technical. It directs the Maine Water Well Commission to submit provisionally adopted rules to the Legislature by January 1, 2010 and to submit draft legislation to amend the provisions of the Act if any necessary amendments are identified during the rule-making process. It authorizes the Joint Standing Committee on Natural Resources to submit legislation to the Second Regular Session of the 124th Legislature. It delays the application of the provisions relating to geothermal heat exchange well construction, geothermal heat exchange well pump installation and licensing requirements for geothermal heat exchange well drillers and geothermal heat exchange well pump installers until after the Maine Water Well Commission finally adopts rules.

Enacted Law Summary

Public Law, chapter 153 provides the Maine Water Well Commission, which currently oversees well drillers, well drilling companies, pump installers and pump installation companies, with the oversight of geothermal heat exchange wells, geothermal heat exchange well drillers and geothermal heat exchange well pump installers. It directs the Maine Water Well Commission to adopt rules establishing a licensing structure for geothermal heat exchange well drillers and geothermal heat exchange well pump installers. It makes the initial rules major substantive; subsequent rules are routine technical. It directs the Maine Water Well Commission to submit provisionally adopted rules to the Legislature by January 1, 2010 and to submit draft legislation to amend the provisions of the Act if any necessary amendments are identified during the rule-making process. It authorizes the Joint Standing Committee on Natural Resources to submit legislation to the Second Regular Session of the 124th Legislature. It delays the application of the provisions relating to geothermal heat exchange well construction, geothermal heat exchange well pump installation and licensing requirements for geothermal heat exchange well drillers and geothermal heat exchange well pump installers until after the Maine Water Well Commission finally adopts rules.

**LD 861 An Act Concerning Deductibles for Underground Oil Storage Facilities
and Tanks**

**ACCEPTED ONTP
REPORT**

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

Joint Standing Committee on Natural Resources

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

Committee Amendment "A" (H-117)

This amendment incorporates a fiscal note. This amendment was not adopted.

LD 871 An Act To Facilitate Compliance with Solid Waste Management Rules

ONTP

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

This bill amends the laws governing solid waste management.

1. It changes from major substantive to routine technical the designation of rules adopted by the Department of Environmental Protection regarding solid waste processing facilities that generate residue requiring disposal.
2. It directs the Department of Environmental Protection to submit, by January 11, 2010, a report to the Joint Standing Committee on Natural Resources regarding rules implementing the Maine Revised Statutes, Title 38, section 1310-N, subsection 5, paragraph B. It also directs the department to investigate recycling technologies and practices as they relate to certain materials.
3. It prohibits issuance of a license for new or expanded solid waste disposal facilities that accept residue from construction and demolition debris recycling until rules are in effect implementing the department's report regarding mandatory recycling standards for all solid waste disposal facilities.
4. It prohibits issuance of a license for new or expanded solid waste disposal facilities until rules are in effect implementing the department's report regarding solid waste odor management.

LD 876 Resolve, To Create a Surrounding Community Advisory Panel for the Juniper Ridge Landfill in Old Town

ONTP

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

This resolve establishes a surrounding community advisory panel for the purpose of making recommendations to the Juniper Ridge Landfill joint citizen advisory committee. The member communities of the panel include the towns of Greenbush, Milford, Bradley, Orono, Glenburn and Hudson and Argyle Township.

Joint Standing Committee on Natural Resources

LD 880 An Act To Improve the Ground Water Oil Clean-up Fund

**ACCEPTED ONTP
REPORT**

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

This bill limits administrative expenses, personal services and equipment costs related to the administration and enforcement of the Ground Water Oil Clean-up Fund to 5 percent of the balance of the fund and requires the Department of Environmental Protection to conduct an annual audit of the administration of the fund to ensure that standard accounting practices are being followed.

Committee Amendment "A" (S-86)

This amendment adds an appropriations and allocations section. This amendment was not adopted.

**LD 891 An Act To Amend the Site Location of Development Laws To Include
Consideration of Greenhouse Gas Emissions**

Carried Over

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

This bill adds a new standard to the laws governing site location of development to allow the Department of Environmental Protection to review and consider the greenhouse gas emissions likely to occur as a result of the project. The bill also provides a related provision concerning mitigation.

LD 891 was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053.

**LD 956 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Provide Constitutional Protection to the Funds Generated by the
Regional Greenhouse Gas Initiative**

Carried Over

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

This resolution proposes to amend the Constitution of Maine to ensure that all revenues derived from the Regional Greenhouse Gas Initiative be expended solely to support the goals and implementation of the Regional Greenhouse Gas Initiative.

LD 956 was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

Joint Standing Committee on Natural Resources

**LD 973 An Act To Provide for the Safe Collection and Recycling of
Mercury-containing Lighting**

PUBLIC 272

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY RAYE	OTP-AM MAJ ONTP MIN	H-341

This bill requires each manufacturer of mercury-added lamps to implement a mercury-added lamp recycling program for the recycling of the mercury-added lamps sold or distributed in the State for household use. It authorizes the Department of Environmental Protection to adopt mercury content standards established for lamps sold in the European Union pursuant to the RoHS directive. It directs the Department of Administrative and Financial Services to prefer lamps with the lowest possible mercury content when making purchasing decisions. It requires the Department of Environmental Protection to submit a report by January 1, 2010 to the Joint Standing Committee on Natural Resources on the recycling of mercury-added lamps from businesses, and it authorizes the committee to submit legislation to implement the recommendations in the report.

Committee Amendment "A" (H-341)

This amendment amends the provisions in the bill relating to adoption of mercury standards by the Department of Environmental Protection by requiring the department to establish standards based on California standards instead of standards established for lamps sold in the European Union. It amends the requirement relating to mercury-added lamp purchasing by the Department of Administrative and Financial Services. It amends the definition of "manufacturer" and adds a definition of "municipal collection site." It amends the provisions relating to mercury-added lamp manufacturer recycling programs by:

1. Requiring that each manufacturer of mercury-added lamps sold or distributed for household use in the State on or after January 1, 2001 implement a recycling program;
2. Requiring manufacturer recycling programs to include municipal collection sites; and
3. Removing the establishment of a 75 percent recycling goal.

The amendment clarifies that motor vehicles and watercraft are not subject to the requirements of the law. It requires the Department of Environmental Protection to submit a report by January 1, 2010 to the Joint Standing Committee on Natural Resources on the recycling of mercury-added lamps from households, and it authorizes the committee to submit legislation to implement the recommendations in the report.

Enacted Law Summary

Public Law 2009, chapter 272 requires each manufacturer of mercury-added lamps to implement a mercury-added lamp recycling program for the recycling of the mercury-added lamps sold or distributed in the State for household use. It directs the Department of Environmental Protection to establish mercury content standards for lamps based on California standards. It directs the Department of Administrative and Financial Services to make purchasing decisions that favor models at comparable cost with high energy efficiency, lower mercury content and longer lamp life. It requires the Department of Environmental Protection to submit a report by January 1, 2010 to the Joint Standing Committee on Natural Resources on the recycling of mercury-added lamps from households, and it authorizes the committee to submit legislation to implement the recommendations in the report. It requires the Department of Environmental Protection to submit a report by January 1, 2010 to the Joint Standing Committee on Natural Resources on the recycling of mercury-added lamps from businesses, and it authorizes the committee to submit legislation to implement the recommendations in the report.

Joint Standing Committee on Natural Resources

LD 986 An Act To Protect the Public Health and the Environment by Prohibiting the Sale of Wheel Weights Containing Lead or Mercury

PUBLIC 125

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-91

This bill prohibits the sale of wheel weights that are made with lead or mercury.

Committee Amendment "A" (S-91)

This amendment replaces the bill. Under the amendment:

1. Beginning January 1, 2011, the use of lead or mercury wheel weights is prohibited when replacing or balancing a tire on a vehicle required to be registered in the State; and
2. Beginning January 1, 2011, the sale of lead or mercury wheel weights is prohibited, except that new motor vehicles equipped with lead or mercury wheel weights may be sold until January 1, 2012.

Enacted Law Summary

Public Law 2009, chapter 125 provides that:

1. Beginning January 1, 2011, the use of lead or mercury wheel weights is prohibited when replacing or balancing a tire on a vehicle required to be registered in the State; and
2. Beginning January 1, 2011, the sale of lead or mercury wheel weights is prohibited, except that new motor vehicles equipped with lead or mercury wheel weights may be sold until January 1, 2012.

LD 991 An Act To Create a Statute of Limitations for Oil Discharge Violations

ACCEPTED ONTP REPORT

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

This bill requires an enforcement action for a violation of the oil discharge laws to be brought by the Department of Environmental Protection or the Attorney General within 3 years of the date the violation is reported to the Department of Environmental Protection.

Committee Amendment "A" (H-98)

This amendment incorporates a fiscal note. This amendment was not adopted.

Joint Standing Committee on Natural Resources

LD 1010 Resolve, To Require the Department of Environmental Protection To Review Emerging Technologies and the Laws Regarding Incinerators

RESOLVE 57

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR	OTP-AM	H-178

This resolve requires the Department of Environmental Protection to review its rules regarding incinerators and evaluate whether the rules advance sustainable energy and waste-to-energy efforts. The resolve requires the department to submit a report based on the review and rules as necessary to advance those efforts. The resolve also allows the department to submit legislation based on the review.

Committee Amendment "A" (H-178)

This amendment replaces the resolve. It directs the Department of Environmental Protection to review whether facilities using emerging waste-to-energy technologies that provide environmental and energy benefits should be excluded from the statutory ban on the establishment of new commercial incinerators. The department is required to establish a task force to advise the department on matters relating to the review. The department is required to submit a report on its review to the Joint Standing Committee on Natural Resources, and the committee is authorized to submit legislation related to the report.

Enacted Law Summary

Resolve 2009, chapter 57 directs the Department of Environmental Protection to review whether facilities using emerging waste-to-energy technologies that provide environmental and energy benefits should be excluded from the statutory ban on the establishment of new commercial incinerators. The department is required to establish a task force to advise the department on matters relating to the review. The department is required to submit a report on its review to the Joint Standing Committee on Natural Resources, and the committee is authorized to submit legislation related to the report.

LD 1011 An Act To Improve Solid Waste Disposal Quality

ONTP

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

This bill prohibits a solid waste disposal facility from landfilling or incinerating solid waste if the waste has not been sorted in accordance with rules adopted by the Department of Environmental Protection. It also prohibits the transport of solid waste from a solid waste disposal facility if the waste has not been tested in accordance with department rules.

Joint Standing Committee on Natural Resources

LD 1017 Resolve, To Improve Recycling in Maine

ONTP

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

This resolve directs the Department of Agriculture, Food and Rural Resources to examine the scope of recycling in this State and the feasibility of making recycling more comprehensive. The costs of this study must be paid by using funds from unclaimed deposits on beverage containers transferred to the State pursuant to the Maine Revised Statutes, Title 32, section 1866-E in an amount not to exceed 2 percent of such funds transferred to the State in fiscal year 2008-09. The department shall report the results of its study to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 2, 2009. The Joint Standing Committee on Agriculture, Conservation and Forestry may introduce legislation related to the report to the Second Regular Session of the 124th Legislature.

LD 1026 An Act Concerning Mercury-added Button Cell Batteries

PUBLIC 86

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

This bill implements the recommendations of the Department of Environmental Protection in its report to the Legislature pursuant to Public Law 2005, chapter 509. The bill amends the ban on the sale of mercury-added button cell batteries.

Enacted Law Summary

Public Law 2009, chapter 86 implements the recommendations of the Department of Environmental Protection in its report to the Legislature pursuant to Public Law 2005, chapter 509. The bill amends the ban on the sale of mercury-added button cell batteries.

LD 1032 An Act To Ensure That Maine's Electronic Waste Collection and Recycling System Is Self-funded

ONTP

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

This bill amends the laws governing the collection and recycling of electronic waste to require manufacturers of computer monitors and televisions to register with the Department of Environmental Protection and pay an annual registration fee of \$5,000.

Joint Standing Committee on Natural Resources

LD 1042 An Act To Continue To Reduce Mercury Use and Emissions

PUBLIC 277

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	H-346

This bill clarifies the definition of the term "mercury switch" as used in the law on mercury-added products. The bill bans the sale of devices used to balance motor vehicle wheels and devices used to reduce recoil when discharging firearms if the devices contain mercury. The bill amends the law governing removal of mercury switches from motor vehicles to give automakers flexibility in the design of systems put in place to collect mercury switches from automobile recyclers and junkyard operators who are required by law to remove the switches. The bill also eliminates the need to record the 17-digit vehicle identification number as a prerequisite to payment of the switch bounty. Automakers will be required to pay a minimum of \$4 for each switch delivered to them for recycling whether or not the vehicle identification number of the source vehicle is provided. The bill consolidates the law banning the sale of mercury thermostats with the law that requires manufacturers to establish a program to collect and recycle mercury thermostats placed in service before the ban. The bill amends the law on collection and recycling of mercury thermostats to:

1. Limit the applicability of the manufacturer collection requirement by defining "manufacturer" to exclude persons whose brand or label appears on the thermostat if the thermostat was manufactured by someone else;
2. Require manufacturers of mercury thermostats to submit a quarterly report on the number of thermostats and amount of mercury collected to the Department of Environmental Protection;
3. Require manufacturers to implement an education and outreach plan approved by the Department of Environmental Protection and to annually submit a proposed plan to the department for review; and
4. Expand the collection and recycling program to include retailers who volunteer to participate.

Committee Amendment "A" (H-346)

This amendment removes the sections of the bill that ban the sale of mercury-added recoil reduction devices and wheel balancing products. The amendment removes the provision in the bill that proposed to change the requirement that a vehicle identification number must be provided in order to receive payment under the automobile mercury switch recycling program. The amendment makes the following changes to the proposals to amend the law on the collection and recycling of mercury thermostats.

1. It amends the definition of "manufacturer" and adds a definition of "wholesaler."
2. It authorizes a one-time fee not to exceed \$25 for bins for mercury-added thermostat collection.
3. It amends the annual report requirements.
4. It amends the quarterly reporting requirements.
5. It removes the required education and outreach plan.
6. It authorizes a manufacturer to terminate a retailer's participation in the collection program after two written notices. The bill proposed termination after three written notices.

Joint Standing Committee on Natural Resources

Enacted Law Summary

Public Law 2009, chapter 277 clarifies the definition of the term "mercury switch" as used in the law on mercury-added products. It amends the law governing removal of mercury switches from motor vehicles to give automakers flexibility in the design of systems put in place to collect mercury switches from automobile recyclers and junkyard operators who are required by law to remove the switches. It consolidates the law banning the sale of mercury thermostats with the law that requires manufacturers to establish a program to collect and recycle mercury thermostats placed in service before the ban. It amends the law on collection and recycling of mercury thermostats.

LD 1051 An Act To Encourage Tire Recycling

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a system to assist with the proper disposal of tires. The bill would impose a deposit, paid by the consumer, on a new tire sold to the consumer. Upon returning the tire to a municipal recycling center or authorized tire dealership, the consumer would be refunded the deposit.

LD 1134 An Act Regarding the Maximum Fee for Processing an Environmental License Application

**PUBLIC 160
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-155

This bill implements the recommendations of the Department of Environmental Protection in its report to the Legislature pursuant to Public Law 2007, chapter 655. The bill provides that fees associated with an application processed by the Department of Environmental Protection may not exceed \$250,000.

Committee Amendment "A" (H-155)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2009, chapter 160 implements the recommendations of the Department of Environmental Protection in its report to the Legislature pursuant to Public Law 2007, chapter 655. The bill provides that fees associated with an application processed by the Department of Environmental Protection may not exceed \$250,000.

Public Law 2009, chapter 160 was enacted as an emergency measure effective September 1, 2009.

Joint Standing Committee on Natural Resources

LD 1156 An Act To Amend the Laws Governing the Recycling of Televisions

PUBLIC 231

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

This bill changes the basis for television manufacturers' responsibility for recycling televisions to a market share basis. It assigns the cost of the program among television manufacturers on a sliding scale based on the number of televisions each manufacturer sells compared to all televisions recycled.

Committee Amendment "A" (S-170)

This amendment clarifies how the market share basis of television manufacturers will be determined. It clarifies that the costs of the television recycling program will be allocated on a basis proportional to the manufacturer's national market share. It authorizes the Department of Environmental Protection to deem a television manufacturer's market share to be de minimus if the market share is less than 1/10 of 1 percent. If the department deems market shares to be de minimus, those market shares must be proportionally allocated to other television manufacturers. It requires the department to annually provide television manufacturers and consolidators with a listing of each manufacturer's proportional market share. It directs the department to conduct a review of the costs of the State's household electronic waste recycling program and of manufacturer responsibility programs in other states and authorizes the Joint Standing Committee on Natural Resources to submit legislation related to the report to the Second Regular Session of the 124th Legislature. This amendment establishes an effective date for those sections of the bill that amend the laws governing the recycling of televisions.

Enacted Law Summary

Public Law 2009, chapter 231 changes the basis for television manufacturers' responsibility for recycling televisions to a market share basis. The costs of the television recycling program will be allocated on a basis proportional to the manufacturer's national market share. Chapter 231 directs the Department of Environmental Protection to conduct a review of the costs of the State's household electronic waste recycling program and of manufacturer responsibility programs in other states and authorizes the Joint Standing Committee on Natural Resources to submit legislation related to the report to the Second Regular Session of the 124th Legislature.

LD 1171 An Act To Amend the Laws Governing Outdoor Wood Boilers

PUBLIC 209

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE SIMPSON	OTP-AM	H-228

This bill amends the definition of "outdoor wood boiler." It eliminates a deadline associated with the Outdoor Wood Boiler Fund. It directs the Department of Environmental Protection to amend the department's rules regarding outdoor wood boilers by:

1. Changing the qualifications for those who may prepare an evaluation, a report and installation recommendations;
2. Amending the definition of "commercial outdoor wood boiler"; and

Joint Standing Committee on Natural Resources

3. Establishing a voluntary technology-forcing particulate emission limit as an incentive to manufacturers to produce cleaner-burning units and to allow reduced setbacks for those units.

Committee Amendment "A" (H-228)

This amendment changes the title of the bill. It amends the definition of "outdoor wood boiler" to include fuel burning devices that use hot air instead of circulating hot water. It allows an outdoor wood boiler meeting a particulate matter emission limit of 0.06 pounds per million British Thermal Units heat output to avoid any setback requirement as long as it meets the stack height requirements for boilers meeting the emission standard that takes effect April 1, 2010. It clarifies that the change in the bill relating to obtaining an evaluation, a report and installation recommendations applies only to commercial outdoor wood boilers and it corrects a professional title. It directs the Department of Environmental Protection to amend its rules to allow a person who upgrades or replaces a nuisance outdoor wood boiler when money is not available from the Outdoor Wood Boiler Fund to be eligible for reimbursement from the fund when money is available.

Enacted Law Summary

Public Law 2009, chapter 209 amends the definition of "outdoor wood boiler." It eliminates a deadline associated with the Outdoor Wood Boiler Fund. It allows an outdoor wood boiler meeting a particulate matter emission limit of 0.06 pounds per million British Thermal Units heat output to avoid any setback requirement as long as it meets the stack height requirements for boilers meeting the emission standard that takes effect April 1, 2010. It directs the Department of Environmental Protection to amend the department's rules regarding outdoor wood boilers by:

1. Changing the qualifications for those who may prepare an evaluation, a report and installation recommendations in connection with commercial outdoor wood boilers;
2. Amending the definition of "commercial outdoor wood boiler"; and
3. Allowing a person who upgrades or replaces a nuisance outdoor wood boiler when money is not available from the Outdoor Wood Boiler Fund to be eligible for reimbursement from the fund when money is available.

LD 1218 An Act To Allow Barrier Fences To Be Erected To Protect Homes from Coastal Storms

**ACCEPTED ONTP
REPORT**

Sponsor(s)

NASS R

Committee Report

ONTP MAJ
OTP-AM MIN

Amendments Adopted

This bill allows an owner of a residential property to construct, repair or replace a permanent barrier to protect the property from a natural disaster, occurrence or event.

Committee Amendment "A" (S-226)

This amendment replaces the bill. The amendment authorizes the Department of Environmental Protection to issue a permit to construct, repair or replace a year-round barrier in a coastal sand dune system behind an existing seawall in a residential developed area. This amendment was not adopted.

Joint Standing Committee on Natural Resources

LD 1267 An Act To Establish a Groundwater Withdrawal Program and To Recognize Groundwater as a Public Trust Resource

ONTP

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

This bill is based on Vermont law. It declares the State's groundwater to be a public trust resource. It sets up reporting and permitting requirements for large groundwater withdrawals and repeals current Maine law regarding reporting of groundwater withdrawals and permitting of significant groundwater wells. It requires site law review for certain groundwater withdrawals of more than 340,000 gallons per day.

LD 1268 An Act To Update the Site Location of Development Laws

PUBLIC 293

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE	OTP-AM	H-339

This bill changes the site location of development laws in the following ways.

It eliminates the definition of "significant ground water aquifer." It eliminates the exceptions for a lot of 40 or more acres in the definition of "subdivision." It changes the exception for a sale or lease of a lot to an abutter in the definition of "subdivision" by clarifying that the lot may not be further divided or transferred within a 5-year period, except as otherwise provided. It changes the exception for a common lot created with a conservation easement in the definition of "subdivision." It removes the requirement that the lot be a common lot and adds the requirement that the conservation easement be approved by the Department of Environmental Protection. It adds a provision specifying the minimal planning requirements that must be met for a permit to be approved by the department. It changes the groundwater standard by changing a requirement to avoid an unreasonable risk of discharge to a significant ground water aquifer to a requirement to avoid an unreasonable risk of discharge to groundwater. It provides that the Department of Environmental Protection may require a bond or such other security if the department determines that a proposed development will present an unacceptable risk of unreasonable impacts to the natural environment or existing uses without such security. It makes several changes to a provision addressing approval of future development sites to refocus it on long-term construction projects. It authorizes the Department of Environmental Protection to issue a general permit for all or a subclass of developments constructed or caused to be constructed or operated or caused to be operated by the Department of Transportation that require approval under the site location of development laws. It eliminates the low-density subdivision exemption and corrects cross-references to that law. It adds a one-time reporting requirement concerning provisions in the site location and development laws and storm water management laws that provide for the registration of municipalities for the authority to substitute local permits for state permits and exempt developments or projects from permitting or specified standards within certain municipalities or portions of municipalities. The Joint Standing Committee on Natural Resources is authorized to submit legislation relating to the report to the Second Regular Session of the 124th Legislature.

Committee Amendment "A" (H-339)

This amendment does the following.

Joint Standing Committee on Natural Resources

1. The amendment strikes the provisions in the bill that:
 - A. Eliminated the definition of "significant ground water aquifer" and changed the groundwater standard;
 - B. Eliminated the exceptions for a lot of 40 or more acres in the definition of "subdivision";
 - C. Changed the exception for a sale or lease of a lot to an abutter in the definition of "subdivision";
 - D. Changed the exception for a common lot created with a conservation easement in the definition of "subdivision";
 - E. Eliminated the low-density subdivision exemption;
 - F. Authorized the Department of Environmental Protection to require a bond or other security for proposed development; and
 - G. Prohibited the Department of Environmental Protection from approving development permits unless the development is located or designed as described in the bill.
2. The amendment also authorizes the Department of Environmental Protection to issue a general permit for developments constructed by the Maine Turnpike Authority and amends the laws relating to quarries and gravel pits to allow excavation to occur in protected areas as long as a Natural Resources Protection Act permit is obtained.
3. The amendment retains the provisions of the bill that:
 - A. Relate to long-term construction projects;
 - B. Authorize the Department of Environmental Protection to issue a general permit for developments constructed by the Department of Transportation;
 - C. Require a one-time report from the Department of Environmental Protection relating to provisions in the storm water management laws and the site location of development laws that provide for the registration of municipalities for authority to substitute local permits for state permits; and
 - D. Make technical corrections.

Enacted Law Summary

Public Law 2009, chapter 293 authorizes the Department of Environmental Protection to issue a general permit for developments constructed by the Department of Transportation or the Maine Turnpike Authority that require approval under the site location of development law. It amends the laws relating to quarries and gravel pits to allow excavation to occur in protected areas as long as a Natural Resources Protection Act permit is obtained. It makes changes to a provision addressing approval of future development sites to refocus it on long-term construction projects. It requires a one-time report from the Department of Environmental Protection relating to provisions in the storm water management laws and the site location of development laws that provide for the registration of municipalities for authority to substitute local permits for state permits and it authorizes the Joint Standing Committee on Natural Resources to submit legislation relating to the report.

Joint Standing Committee on Natural Resources

LD 1269 An Act To Clarify the Laws Regarding Significant Groundwater Wells

PUBLIC 295

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL SIMPSON	OTP-AM	H-340

This bill clarifies that the definition of "significant groundwater well" in the Natural Resources Protection Act includes public water systems or portions of public water systems that bottle water for sale or provide water to be bottled for sale as determined by the Department of Environmental Protection. The bill also adds dewatering of a mining operation to the definition of "significant groundwater well." The bill also clarifies three unallocated law provisions that address transition language and rule-making requirements concerning public information meetings and fees and a fee schedule intended to support independent assessment of monitoring information.

Committee Amendment "A" (H-340)

This amendment replaces the bill. The amendment amends the definition of "significant groundwater well" by:

1. Excluding withdrawals of water for preoperational capacity testing from the determination of whether or not the significant groundwater thresholds have been met; and
2. Clarifying when a public water system qualifies as a significant groundwater well.

The amendment also clarifies the changes to three unallocated law provisions that address transition language and rule-making requirements concerning public information meetings and fees intended to support independent assessment of monitoring information.

Enacted Law Summary

Public Law 2009, chapter 295 amends the definition of "significant groundwater well" in the Natural Resources Protection Act. It also clarifies three unallocated law provisions that address transition language and rule-making requirements concerning public information meetings and fees intended to support independent assessment of monitoring information.

LD 1282 An Act To Protect and Enhance Maine Marine Fisheries

ONTP

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

This bill:

1. Specifies that the Department of Environmental Protection may issue water quality certification for a dam used to generate hydroelectric power only if the dam provides safe and effective passage for all diadromous fish indigenous to the body of water on which the dam is located;
2. Provides that, for every day a safe and effective passage is not in effect, the owner of the dam may be fined not

Joint Standing Committee on Natural Resources

less than \$1,000;

3. Authorizes the commencement of a civil action against any person, including any governmental instrumentality or agency, who is alleged to be in violation of the requirement for dams to provide safe and effective passage for all diadromous fish and authorizes a fine of up to \$10,000 per day per violation;
4. Expands the grounds for which the Board of Environmental Protection may modify, revoke or suspend a license to include that the licensed discharge or activity is causing a violation of the water quality classification system;
5. Authorizes a person to petition the Board of Environmental Protection to modify, revoke or suspend a license; and
6. Directs the Board of Environmental Protection to modify the water quality certification of dams used to generate hydroelectric power in the State to condition water quality certification on the agreement by the dam to provide safe and effective passage for all diadromous fish species indigenous to the body of water on which the dam is located, and within the historic ranges of those fish species, and to submit a license amendment application to the Federal Energy Regulatory Commission to incorporate that condition into the federal operating license for the dam.

LD 1310 *Resolve, Relating to a Review of International Trade Agreements and the Management of Groundwater Resources*

**RESOLVE 132
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER SHERMAN	OTP-AM	H-434

This resolve establishes a commission to study the legal and policy implications of groundwater extraction in the State and to recommend any changes to state law necessary to balance the State's interest in protecting the public good and maintaining jurisdictional control over environmental impacts with protecting the rights of property owners.

Committee Amendment "A" (H-434)

This amendment replaces the resolve and changes the title. The amendment directs the Water Resources Planning Committee of the Land and Water Resources Council, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, to conduct an examination of the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources. The examination may include a review and assessment of property rights related to the ownership of groundwater, the various common law doctrines relating to groundwater and issues related to natural resources other than groundwater, as those subjects relate to or impact international trade agreement issues. The amendment authorizes outside funding accepted by the Citizen Trade Policy Commission, pursuant to its current statutory authority to accept outside funding, to be used to contract with experts in the field of international trade agreements. The amendment requires the Water Resources Planning Committee, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, to submit a report related to the review to the Joint Standing Committee on Natural Resources by January 1, 2010, and the committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Resolve 2009, chapter 132 directs the Water Resources Planning Committee of the Land and Water Resources Council, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, to conduct an examination of the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources. The examination may include a review and assessment of property rights related

Joint Standing Committee on Natural Resources

to the ownership of groundwater, the various common law doctrines relating to groundwater and issues related to natural resources other than groundwater, as those subjects relate to or impact international trade agreement issues. Chapter 132 authorizes outside funding accepted by the Citizen Trade Policy Commission, pursuant to its current statutory authority to accept outside funding, to be used to contract with experts in the field of international trade agreements. Chapter 132 requires the Water Resources Planning Committee, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission, to submit a report related to the review to the Joint Standing Committee on Natural Resources by January 1, 2010, and the committee is authorized to report out legislation to the Second Regular Session of the 124th Legislature.

Resolve 2009, chapter 132 was finally passed as an emergency measure effective June 15, 2009.

LD 1311 An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters

PUBLIC 225

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

This bill allows a municipality to repair a private road, way or bridge for a fee or through the expenditure of public funds to protect the water quality of a great pond if the following criteria are met:

1. The private road, way or bridge is in the watershed of the great pond;
2. The great pond is listed by the Department of Environmental Protection as a body of water most at risk or as impaired in a report to the United States Environmental Protection Agency or the department identifies the great pond as having threats to its water quality in a watershed survey;
3. The Department of Environmental Protection or the municipality determines the private road, way or bridge is contributing to the degradation of the great pond's water quality;
4. The repair complies with best management practices as required by the Department of Environmental Protection; and
5. The private road, way or bridge is maintained by a statutorily established road association.

Committee Amendment "A" (H-263)

This amendment removes the provision in the bill authorizing a municipality to repair a private road, way or bridge for a fee to protect the water quality of a great pond.

Enacted Law Summary

Public Law 2009, chapter 225 allows a municipality to repair a private road, way or bridge through the expenditure of public funds to protect the water quality of a great pond if the following criteria are met:

1. The private road, way or bridge is in the watershed of the great pond;
2. The great pond is listed by the Department of Environmental Protection as a body of water most at risk or as impaired in a report to the United States Environmental Protection Agency or the department identifies the great pond as having threats to its water quality in a watershed survey;
3. The Department of Environmental Protection or the municipality determines the private road, way or bridge is

Joint Standing Committee on Natural Resources

contributing to the degradation of the great pond's water quality;

- 4. The repair complies with best management practices as required by the Department of Environmental Protection; and
- 5. The private road, way or bridge is maintained by a statutorily established road association.

LD 1332 An Act To Continue Coverage of Oil Clean-up Costs and Improve Administration of the Ground Water Oil Clean-up Fund

PUBLIC 319

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE	OTP-AM	H-360

This bill does the following.

- 1. It eliminates the December 31, 2010 sunset date on the provisions of law that insure owners and operators of oil storage tanks against the costs of cleaning up tank leaks and authorize the department to pay those costs, up to \$1,000,000 per incident, from the Ground Water Oil Clean-up Fund.
- 2. It repeals the provisions of law that are due to take effect on the sunset date of the Ground Water Oil Clean-up Fund.
- 3. It requires the Board of Environmental Protection to adopt rules establishing a training program for operators of underground oil storage facilities used to store motor fuel or used in the marketing and distribution of oil.
- 4. It requires persons in the business of delivering oil to storage tanks to conduct employee training.
- 5. It authorizes the use of restrictive covenants and other land use controls to minimize the risk of human exposure to residual contamination on property that has suffered an oil discharge.
- 6. It makes costs incurred to implement a voluntary response action plan, in which a person agrees to clean up oil contamination at that person's own expense in exchange for protection from liability, ineligible for coverage by the Ground Water Oil Clean-up Fund.
- 7. It requires the Commissioner of Environmental Protection to seek repayment of disbursements from the Ground Water Oil Clean-up Fund from responsible parties who are not eligible for coverage under the fund.
- 8. It authorizes the Department of Environmental Protection to seek recovery of personnel and equipment costs incurred by the department in responding to a discharge of oil.
- 9. It requires aboveground oil storage facilities that have been out of service for more than 12 months to be abandoned in accordance with rules adopted by the Board of Environmental Protection.

Committee Amendment "A" (H-360)

This amendment makes the following changes to the bill.

- 1. It extends the sunset date of the Ground Water Oil Clean-up Fund to December 31, 2015.
- 2. It strikes the provision in the bill that proposes to require oil delivery companies to train their drivers in proper

Joint Standing Committee on Natural Resources

procedures for spill prevention, reporting and containment.

3. It strikes the provision in the bill that proposes to make costs incurred to implement a voluntary response action plan ineligible for coverage by the fund.
4. It strikes the provision in the bill that authorizes disbursements from the fund for personnel and equipment costs incurred in responding to and the removal of a discharge of oil if the costs are not paid by a responsible party.
5. It amends the bill to remove the proposed language relating to recovery by the Department of Environmental Protection of fund disbursements. This amendment also makes a technical correction to the format of the law governing liability for fund disbursements. The amendment repeals the current and future versions of the law and the confusing effective date provisions. This amendment enacts the same language in a manner that clarifies the effective date of each provision of law.
6. It strikes the provisions in the bill relating to the abandonment of aboveground oil storage tanks.
7. It adds a requirement for the Department of Environmental Protection to review the current framework for funding investigations and the cleanup of tank-related oil discharges at voluntary response action program sites and sites contaminated by discharges during the delivery of oil to an oil storage facility.
8. It adds an appropriations and allocations section.

The amendment retains the provisions in the bill that:

1. Amend definitions;
2. Require the Board of Environmental Protection to adopt rules requiring operators of underground oil storage tanks used to store motor fuel or used in the marketing and distribution of oil to others to complete a department training program;
3. Authorize the use of restrictive covenants and other land use controls to minimize the risk of human exposure to residual contamination on property that has suffered an oil discharge; and
4. Deny coverage to a motor carrier for a discharge during the off-loading or on-loading of oil from or to a motor vehicle used to transport oil.

Enacted Law Summary

Public Law 2009, chapter 319 does the following.

1. It extends the sunset date of the Ground Water Oil Clean-up Fund to December 31, 2015.
2. It authorizes the use of restrictive covenants and other land use controls to minimize the risk of human exposure to residual contamination on property that has suffered an oil discharge.
3. It requires the Board of Environmental Protection to adopt rules requiring operators of underground oil storage tanks used to store motor fuel or used in the marketing and distribution of oil to others to complete a department training program.
4. It denies coverage by the Ground Water Oil Clean-up Fund to a motor carrier for a discharge during the off-loading or on-loading of oil from or to a motor vehicle used to transport oil.
5. It requires the Department of Environmental Protection to review and submit a report on the current framework

Joint Standing Committee on Natural Resources

for funding investigations and the cleanup of tank-related oil discharges at voluntary response action program sites and sites contaminated by discharges during the delivery of oil to an oil storage facility. The Joint Standing Committee on Natural Resources is authorized to report out legislation related to the report.

6. It makes a technical correction to the format of the law governing liability for fund disbursements by repealing the current and future versions of the law and the confusing effective date provisions. It enacts the same language in a manner that clarifies the effective date of each provision of law.

LD 1333 **An Act To Ensure that Replacement Culverts Permit Fish Passage**

PUBLIC 460

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE MITCHELL E	OTP-AM MAJ OTP-AM MIN	H-514 S-348 GOODALL

Part A of this bill creates the Climate and Energy Planning Act of 2009, which:

1. Requires analysis of the climate effects on and resulting from state planning decisions;
2. Requires the analysis to be made available for public review and comment;
3. Requires state planning decisions to be consistent with the State's greenhouse gas emission reduction goals as established in the Maine Revised Statutes, Title 38, section 576;
4. Requires that after adoption of relevant major substantive rules by the Department of Environmental Protection the department undertake the same analysis and ensure the same consistency with the State's greenhouse gas emission goals when evaluating applications for and issuing licenses, permits or other approvals for developments or subdivisions subject to Title 38, section 483-A, waste discharges subject to Title 38, section 413, air emissions subject to Title 38, section 590 and discharges subject to state certification under the federal Clean Water Act, 33 United States Code, Section 1341. The department is directed to propose to the Legislature a fee schedule to cover its costs in administering this requirement; and
5. Allows the department to establish waivers from the otherwise applicable requirements of the Climate and Energy Planning Act of 2009 and requires the department to establish a list of qualified greenhouse gas emission reduction measures that demonstrably reduce the greenhouse gas emissions resulting from projects and activities expected to be subject to the requirements of the Act.

Part B of this bill:

1. Adds attainment of the state greenhouse gas emission reduction goals set out in the Maine Revised Statutes, Title 38, section 576 to the purposes and goals of the growth management program;
2. Adds attainment of the state greenhouse gas emission reduction goals set out in Title 38, section 576 to the purposes of the laws governing the Maine Land Use Regulation Commission and requires that development and amendment of land use districts and standards be consistent with the Climate and Energy Planning Act of 2009. It also requires the commission to review the effects of increased traffic on private roads when reviewing permit applications for developments of residential subdivisions. It also amends the definition of "subdivision" in management districts and protection districts in the unorganized townships;

Joint Standing Committee on Natural Resources

3. Amends the Natural Resources Protection Act permit exception for the maintenance and repair of stream crossings to ensure the activities eligible for the exception achieve natural stream flows and provide for the passage of aquatic organisms. It also limits the Natural Resources Protection Act permit exception for the maintenance and repair of existing road culverts in protected natural resource areas to ensure that natural stream flows are achieved and the passage of aquatic organisms is not blocked;
4. Authorizes the Department of Transportation to acquire rights-of-way for construction of bicycle and pedestrian ways that are not adjacent to existing highway rights-of-way. In addition, it requires state, regional and local decisions regarding transportation planning, projects and facilities to include full consideration of bicycle and pedestrian ways and intermodal connections to public transit systems and requires that the final plans, projects and facilities include bicycle and pedestrian ways and intermodal connections as appropriate, unless there is no need for such ways or connections or they would conflict with public safety or involve excessive costs;
5. Requires the Maine Land Use Regulation Commission and the Department of Conservation, Maine Forest Service to review and update their rules, standards, practices and guidelines for road construction to reflect current best practices to facilitate passage of aquatic and terrestrial organisms;
6. Requires the Department of Environmental Protection to amend its rules, Chapter 305, Permit by Rule, to require municipalities to achieve natural stream flow and facilitate passage of aquatic organisms when repairing or maintaining roads and stream crossings; and
7. Requires the Executive Department, State Planning Office to review and update its rules, standards and guidelines governing local and regional planning activities to incorporate best practices to reduce the climate change effects on and resulting from those activities.

Committee Amendment "A" (H-514)

This amendment is the majority report of the Joint Standing Committee on Natural Resources. The amendment strikes the provisions in the bill that require reviews of climate effects in state planning and project decisions and replaces those provisions with a requirement for state authorities to establish policies and guidelines to lower overall energy use, lessen the State's reliance on fossil fuels and reduce greenhouse gas emissions and a requirement that state authorities incorporate energy criteria in planning and long-term project decisions. The amendment strikes the provisions in the bill that require review of climate effects in state licensing decisions and replaces those provisions with a requirement that developments in the organized areas of the State that are subject to approval under the site location of development law and developments in the unorganized territories that would be subject to the site location of development law if the development was in an organized area of the State may not result in or contribute to unreasonable emissions of greenhouse gases, and it requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to adopt major substantive rules. It authorizes the establishment of a mitigation compensation fund. The amendment requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to submit an interim report by January 7, 2010 and final reports by January 7, 2011 related to the major substantive rulemaking. This amendment adds an appropriations and allocations section to the bill.

The amendment retains, with changes, provisions in the bill that:

1. Add the protection of state resources from climate change to the goals of the growth management program;
2. Amend exceptions in the Natural Resources Protection Act for the maintenance and repair of stream crossings and of existing road culverts; and
3. Require the Department of Environmental Protection to amend its rules to require municipalities to achieve natural stream flow and upstream and downstream passage of aquatic organisms when repairing or maintaining roads and stream crossings.

Joint Standing Committee on Natural Resources

Committee Amendment "B" (H-515)

This amendment is the minority report of the Joint Standing Committee on Natural Resources. The amendment replaces the bill. The amendment requires state authorities to establish policies and guidelines to lower energy use, lessen the State's reliance on fossil fuels and reduce greenhouse gas emissions associated with state-owned buildings. The amendment requires the Department of Environmental Protection to submit a report on the policies and guidelines established by state authorities to the joint standing committee of the Legislature having jurisdiction over natural resources matters every 4 years. The amendment also establishes a stakeholder group to evaluate measures available to Maine people and businesses to reduce reliance on fossil fuels, to stabilize and reduce greenhouse gas emissions and to incorporate the measures into land use and licensing for private development. This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-348)

This amendment strikes out all of Committee Amendment "A" except the part that amends the exceptions in the Natural Resources Protection Act for the maintenance and repair of stream crossings and of existing road culverts and clarifies that the provisions apply only to water courses containing fish. The amendment also specifies that forestry management activities are exempted from the new standards.

Enacted Law Summary

Public Law 2009, chapter 460 amends the Natural Resources Protection Act permit exceptions for the maintenance and repair of stream crossings and for the maintenance and repair of existing road culverts to require that natural stream flows are achieved and the passage of aquatic organisms is not blocked. It clarifies that the provisions apply only to water courses containing fish. It requires the Department of Environmental Protection to amend its rules to require municipalities to achieve natural stream flow and upstream and downstream passage of aquatic organisms when repairing or maintaining roads and stream crossings and clarifies that the rule changes apply only to water courses containing fish. It provides that rules adopted pursuant to or to implement provisions of the Act are major substantive rules that must be submitted to the Legislature by January 1, 2011. It also specifies that forestry management activities are exempted from the new standards.

**LD 1386 An Act Pertaining to Response Costs Incurred by the Department of
Environmental Protection under the Waste Motor Oil Disposal Site
Remediation Program**

PUBLIC 304

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-204

This bill provides that the Finance Authority of Maine may use proceeds of revenue obligation securities to fund the costs of the cleanup of certain waste motor oil disposal sites implemented by the Department of Environmental Protection for eligible responsible parties.

Committee Amendment "A" (S-204)

This amendment amends the provisions in the bill regarding an alternative method for payment to the Department of Environmental Protection for cleanup performed at waste motor oil disposal sites. The amendment clarifies that the alternative procedure may be used only upon issuance of a certificate of final response costs and a final remedy selection at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites. It provides that the department may only receive payment after January 15, 2010 or after all response costs at the Plymouth waste motor oil disposal site have been paid to eligible persons, whichever occurs first. It clarifies the future liability of eligible responsible parties against suits by the State and third parties. It requires the department to negotiate in good faith with persons

Joint Standing Committee on Natural Resources

who are not determined to be eligible persons. The amendment also adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2009, chapter 304 provides that the Finance Authority of Maine may use proceeds of revenue obligation securities to fund the costs of the cleanup at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites implemented by the Department of Environmental Protection for eligible responsible parties.

LD 1399 An Act Concerning Water Quality in Watersheds

INDEF PP

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

This bill creates the Clean Shores Fund within the Department of Environmental Protection to provide a funding source for grants to municipalities and other entities to identify and abate pollution in shellfish growing areas and to pay the Personal Services cost for 3 employees within the Department of Marine Resources in the growing area classification program within the public health division. The dedicated revenue for the Clean Shores Fund is established through surcharges on the installation of new sewer systems and the municipal combined sewer overflow and overboard discharges and on sewer utilities based on the number of ratepayers.

The bill requires the Department of Environmental Protection to work in coordination with the Department of Marine Resources to establish an annual work plan to prioritize monitoring and classification of shellfish growing areas and remediation projects within those areas. The process of developing the work plan must include input from municipalities with approved municipal shellfish programs.

The bill also requires the Department of Environmental Protection to consider bacteria and viral standards when issuing waste discharge licenses to ensure that shellfish harvesting is protected as a designated use under the Maine Revised Statutes, Title 38, section 465-B. The department shall also review whether disinfection requirements at licensed wastewater discharge facilities would improve the ability of the Department of Marine Resources to upgrade classifications of shellfish growing areas and may change license requirements based on the outcome of the review.

Committee Amendment "A" (H-452)

The amendment establishes resident and nonresident recreational shellfish licenses with associated fees and provides for distribution of the fees.

The amendment changes the name of the Clean Shores Fund to the Water Quality and Infrastructure Improvement Fund and provides that license fees will be credited to the fund. The amendment clarifies the purposes for which the fund may be used and how money in the fund must be distributed.

The amendment provides that the Department of Marine Resources must solicit priorities for monitoring and classification of shellfish growing areas from the Shellfish Advisory Council.

The amendment clarifies that private gifts or bequests to the fund may be directed or advised.

The amendment adds a one-time reporting requirement and an appropriations and allocations section.

The amendment provides that the Department of Environmental Protection may establish procedures and criteria for

Joint Standing Committee on Natural Resources

the grant application process, eligibility for grants and the award and use of grants from the fund.

This amendment was not adopted. Provisions included in this amendment were incorporated into Public Law 2009, chapter 213, Part FFFF.

LD 1422 *Resolve, Directing the Department of Environmental Protection To Submit a Report and Recommendations Concerning Oil from Tar Sands, Coal from Mountaintop Removal Mining and Other High-polluting Energy Sources* ONTP

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

This resolve directs the Department of Environmental Protection, with input from the Public Utilities Commission, the Governor's Office of Energy Independence and Security and other appropriate entities, to review information and issue a report and recommendations on its findings concerning oil from tar sands, oil shale and coal gasification and coal from mountaintop removal and other forms of mining operations in order to ensure that the State does as much as possible to reduce the environmental impacts caused by the generation and use of energy derived from these sources. In the report, the department is directed to collect information on liquid fuels derived from tar sands, oil shale and coal gasification and mountaintop removal and other forms of coal mining. The department shall submit its report and recommendations to the Legislature. This resolve also requires the department to establish public disclosure requirements for entities that sell electricity generated by facilities that burn coal.

LD 1423 *An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses* Carried Over

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

This bill amends the toxic use and hazardous waste reduction laws administered by the Department of Environmental Protection by:

1. Modernizing the statewide toxics use, toxics release and hazardous waste reduction goals by establishing a goal of zero discharge by 2050 and charging the Pollution Prevention Advisory Committee with establishing a schedule and process for continual progress toward this goal;
2. Setting forth a procedure to add new facilities or new chemicals or classes of chemicals to the provisions of the law;
3. Including the State's greenhouse gas reduction goals and encouraging facilities to meet those goals through energy efficiency and other measures;
4. Requiring the department to establish an Internet-based reporting system for facility progress reports that will allow department resources to be devoted to outreach and technical assistance; and
5. Eliminating the requirement that facilities use an activity production index when filing the pollution prevention

Joint Standing Committee on Natural Resources

plan.

LD 1423 was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053.

LD 1434 An Act Regarding Asbestos Abatement Work

PUBLIC 374

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM MAJ ONTP MIN	S-159 S-272 GOODALL

This bill:

1. Clarifies that persons engaged in an activity affecting more than 3 square feet or 3 linear feet of any asbestos-containing material are subject to licensing, certification, notification and work practice requirements administered by the Department of Environmental Protection;
2. Increases the maximum fee that may be charged by the Department of Environmental Protection to license or certify asbestos professionals; and
3. Increases the maximum fee that must be paid when notifying the Department of Environmental Protection of asbestos abatement activity.

Committee Amendment "A" (S-159)

This amendment is the majority report of the committee. The amendment changes the annual license fee for asbestos abatement contractors and asbestos abatement consultants to \$250 for the first annual license, \$625 for the 2nd annual license and \$1,000 for the 3rd and each subsequent annual license. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-272)

This amendment reestablishes the annual license fee for asbestos abatement contractors and asbestos abatement consultants to be the same for each year instead of a different amount for the first annual license, the 2nd annual license and the 3rd annual license as proposed by Committee Amendment "A."

This amendment also decreases the annual fee as proposed in the bill for an asbestos abatement contractor from \$1,000 to \$650, an asbestos worker from \$75 to \$50, an asbestos consultant from \$1,000 to \$650, an asbestos analytical laboratory from \$500 to \$400 and other categories of asbestos professionals from \$150 to \$100. The amendment also decreases certain notification fees by \$100.

Enacted Law Summary

Public Law 2009, chapter 374:

1. Clarifies that persons engaged in an activity affecting more than 3 square feet or 3 linear feet of any asbestos-containing material are subject to licensing, certification, notification and work practice requirements administered by the Department of Environmental Protection;
2. Increases the maximum fee that may be charged by the Department of Environmental Protection to license or certify asbestos professionals; and

Joint Standing Committee on Natural Resources

3. Increases the maximum fee that must be paid when notifying the Department of Environmental Protection of asbestos abatement activity.

LD 1471 An Act Concerning Debarment from Contracts with the Department of Environmental Protection

PUBLIC 360

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	S-239

This bill defines "direct financial interest" and provides:

1. If an individual is debarred from participation in any contract with the Department of Environmental Protection, any business in which that individual holds a direct financial interest is also debarred; and
2. If a business is debarred from participation in any contract with the Department of Environmental Protection, any individual or business that holds a direct financial interest in that debarred business is also debarred.

Committee Amendment "A" (S-239)

This amendment amends the bill by including findings the Commissioner of Environmental Protection must make prior to debarring an individual or business that has a direct financial interest in a debarred business or prior to debarring a business in which a debarred individual holds a direct financial interest.

Enacted Law Summary

Public Law 2009, chapter 360 authorizes the Commissioner of Environmental Protection, after making findings specified in the law, to debar an individual or business that has a direct financial interest in a debarred business and to debar a business in which a debarred individual holds a direct financial interest.

LD 1476 An Act Regarding the Transfer of Licenses for Energy Recovery Facilities

PUBLIC 380

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	S-292

This bill prohibits the Department of Environmental Protection from approving the transfer of a solid waste facility license during the stated term of a waste handling contract between a solid waste facility that incinerates solid waste and its host community. Under this bill, the department may not grant a new license to the new owner of a solid waste facility until the expiration of a due diligence review period for the host community, the receipt of written consent of the host community and a public hearing and review conducted by the Board of Environmental Protection.

Committee Amendment "A" (S-292)

This amendment authorizes the Department of Environmental Protection to approve the transfer of a solid waste facility license during the stated term of a waste handling contract between a solid waste facility that incinerates municipal solid waste or special waste and its host community only after the expiration of a due diligence review

Joint Standing Committee on Natural Resources

period for the host community. The amendment removes the provision in the bill that required the proposed new owner to apply for a new license and it removes the provision in the bill that required the written consent of the host community. The amendment gives jurisdiction over transfer applications that are subject to the new requirements to the Board of Environmental Protection and requires the board to hold a public hearing on the transfer application. The amendment clarifies that for purposes of this law "host community" means the town in which the facility is geographically sited and it adds sale of stock as a method of ownership change that is subject to the requirements of the bill. The amendment exempts regional associations and a transfer to the facility's host community from the bill's requirements. The amendment also removes the emergency preamble and clause.

Enacted Law Summary

Public Law 2009, chapter 380 authorizes the Department of Environmental Protection to approve the transfer of a solid waste facility license during the stated term of a waste handling contract between a solid waste facility that incinerates municipal solid waste or special waste and its host community only after the expiration of a due diligence review period for the host community in which the facility is geographically sited. Chapter 380 gives jurisdiction over transfer applications that are subject to the new requirements to the Board of Environmental Protection and requires the board to hold a public hearing on the transfer application. Regional associations and a transfer to the facility's host community are exempt from the requirements of chapter 380.

LD 1479 An Act Relating to Biomass Gasification

PUBLIC 306

Sponsor(s)

GOODALL

Committee Report

OTP

Amendments Adopted

This bill amends the definition of "coal gasification facility" to make the moratorium on the licensing and permitting of those facilities specific to the gasification of coal or coal-derived materials.

Enacted Law Summary

Public Law 2009, chapter 306 amends the definition of "coal gasification facility" to make the moratorium on the licensing and permitting of those facilities specific to the gasification of coal or coal-derived materials.

LD 1482 An Act to Amend Mercury Standards for Air Emission Sources

PUBLIC 338

Sponsor(s)

Committee Report

Amendments Adopted

This bill is submitted by the Joint Standing Committee on Natural Resources pursuant to the Maine Revised Statutes, Title 38, section 585-B, subsection 6. The bill provides an alternative method for an air emission source to comply with mercury standards. It also directs the Department of Environmental Protection to submit an updated report relating to mercury emissions and standards and authorizes the committee to report out legislation to the 124th Legislature in connection with the updated report.

Enacted Law Summary

Public Law 2009, chapter 338 provides an alternative method for an air emission source to comply with mercury standards. It also directs the Department of Environmental Protection to submit an updated report relating to

Joint Standing Committee on Natural Resources

mercury emissions and standards and authorizes the Joint Standing Committee on Natural Resources to report out legislation to the 124th Legislature in connection with the updated report.

Joint Standing Committee on Natural Resources

SUBJECT INDEX

Air Quality

Enacted

LD 1479 An Act Relating to Biomass Gasification PUBLIC 306

Not Enacted

LD 298 An Act Regarding the Labeling of Wood Pellet and Biomass Heating Fuel Sold in the State ACCEPTED REPORT A (ONTP)

Air Quality - Climate Change

Enacted

LD 460 Resolve, To Evaluate Climate Change Adaptation Options for the State RESOLVE 16

Not Enacted

LD 260 An Act To Provide Access to Regional Greenhouse Gas Initiative Auction Funds to Maine Indian Tribes ONTP

LD 363 An Act To Allow State Agencies To Acquire and Sell Carbon Credits under the Regional Greenhouse Gas Initiative ONTP

LD 956 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Constitutional Protection to the Funds Generated by the Regional Greenhouse Gas Initiative

Air Quality - Outdoor Wood Boilers

Enacted

LD 1171 An Act To Amend the Laws Governing Outdoor Wood Boilers PUBLIC 209

Asbestos

Enacted

LD 1434 An Act Regarding Asbestos Abatement Work PUBLIC 374

Coastal areas

Not Enacted

LD 535	An Act To Allow the Temporary Placement of Structures To Protect Property from Natural Disasters	ONTP
LD 1218	An Act To Allow Barrier Fences To Be Erected To Protect Homes from Coastal Storms	ACCEPTED ONTP REPORT

Department of Environmental Protection

Enacted

LD 476	An Act To Amend Certain Laws Administered by the Department of Environmental Protection	PUBLIC 121
LD 1134	An Act Regarding the Maximum Fee for Processing an Environmental License Application	PUBLIC 160 EMERGENCY
LD 1471	An Act Concerning Debarment from Contracts with the Department of Environmental Protection	PUBLIC 360

Not Enacted

LD 723	Resolve, To Require the Department of Environmental Protection To Amend Its Rules for Hydropower Projects To Require a Detailed Cost-benefit Analysis	ACCEPTED ONTP REPORT
LD 746	An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Natural Resources	ONTP

Electronic waste

Enacted

LD 536	An Act To Enhance Maine's Electronic Waste Recycling Law	PUBLIC 397
LD 1156	An Act To Amend the Laws Governing the Recycling of Televisions	PUBLIC 231

Not Enacted

LD 1032	An Act To Ensure That Maine's Electronic Waste Collection and Recycling System Is Self-funded	ONTP
---------	---	------

Excavations

Not Enacted

LD 207	An Act Concerning Regulation of Borrow Pit Excavations	ONTP
LD 686	An Act To Require Semiannual Testing in Certain Gravel Pits	ONTP

Fuels

Not Enacted

LD 644 **An Act To Allow the Sale and Use of Fuel Containing MTBE in a Vehicle in a Competitive Event** **ACCEPTED ONTP REPORT**

LD 1422 **Resolve, Directing the Department of Environmental Protection To Submit a Report and Recommendations Concerning Oil from Tar Sands, Coal from Mountaintop Removal Mining and Other High-polluting Energy Sources** **ONTP**

Geothermal wells

Enacted

LD 860 **An Act Relating to Geothermal Heat Exchange Wells** **PUBLIC 153**

Groundwater

Enacted

LD 1269 **An Act To Clarify the Laws Regarding Significant Groundwater Wells** **PUBLIC 295**

LD 1310 **Resolve, Relating to a Review of International Trade Agreements and the Management of Groundwater Resources** **RESOLVE 132 EMERGENCY**

Not Enacted

LD 645 **An Act To Provide for Municipal Oversight and Authority over Groundwater Extraction** **ONTP**

LD 663 **An Act To Clarify A Municipality's Authority To Pass Ordinances That Govern the Extraction of Groundwater** **ONTP**

LD 837 **An Act To Protect Maine's Groundwater** **ONTP**

LD 1267 **An Act To Establish a Groundwater Withdrawal Program and To Recognize Groundwater as a Public Trust Resource** **ONTP**

Hazardous waste

Not Enacted

LD 515 **An Act To Allow a Municipality To Recover Emergency Response Costs from a Natural Gas Utility in Certain Cases** **ONTP**

Land Use

Enacted

LD 1268 **An Act To Update the Site Location of Development Laws** **PUBLIC 293**

Not Enacted

LD 199 **An Act To Facilitate Wind Power Siting** **ONTP**

LD 431 **An Act To Make the Site Location of Development Laws More
Development Friendly** **ONTP**

LD 891 **An Act To Amend the Site Location of Development Laws To
Include Consideration of Greenhouse Gas Emissions**

Mercury

Enacted

LD 973 **An Act To Provide for the Safe Collection and Recycling of
Mercury-containing Lighting** **PUBLIC 272**

LD 986 **An Act To Protect the Public Health and the Environment by
Prohibiting the Sale of Wheel Weights Containing Lead or
Mercury** **PUBLIC 125**

LD 1026 **An Act Concerning Mercury-added Button Cell Batteries** **PUBLIC 86**

LD 1042 **An Act To Continue To Reduce Mercury Use and Emissions** **PUBLIC 277**

LD 1482 **An Act to Amend Mercury Standards for Air Emission Sources** **PUBLIC 338**

Natural Resources Protection Act

Enacted

LD 1333 **An Act To Ensure that Replacement Culverts Permit Fish
Passage** **PUBLIC 460**

Not Enacted

LD 107 **An Act To Change the Classification of Man-made Wetlands** **ACCEPTED ONTP
REPORT**

Oils

Enacted

LD 1332 **An Act To Continue Coverage of Oil Clean-up Costs and
Improve Administration of the Ground Water Oil Clean-up Fund** **PUBLIC 319**

Not Enacted

LD 861 **An Act Concerning Deductibles for Underground Oil Storage
Facilities and Tanks** **ACCEPTED ONTP
REPORT**

LD 880 **An Act To Improve the Ground Water Oil Clean-up Fund** **ACCEPTED ONTP
REPORT**

LD 991 **An Act To Create a Statute of Limitations for Oil Discharge
Violations** **ACCEPTED ONTP
REPORT**

Oils - Waste Motor Oil

Enacted

LD 1386	An Act Pertaining to Response Costs Incurred by the Department of Environmental Protection under the Waste Motor Oil Disposal Site Remediation Program	PUBLIC 304
---------	--	------------

Solid Waste

Enacted

LD 759	An Act To Require State-owned Solid Waste Disposal Facilities To Demonstrate a Public Benefit	PUBLIC 348
LD 760	An Act To Improve Landfill Capacity	PUBLIC 412
LD 1010	Resolve, To Require the Department of Environmental Protection To Review Emerging Technologies and the Laws Regarding Incinerators	RESOLVE 57
LD 1476	An Act Regarding the Transfer of Licenses for Energy Recovery Facilities	PUBLIC 380

Not Enacted

LD 506	An Act To Protect Public Safety and Provide for the Prudent Use of Landfill Capacity	ONTP
LD 871	An Act To Facilitate Compliance with Solid Waste Management Rules	ONTP
LD 876	Resolve, To Create a Surrounding Community Advisory Panel for the Juniper Ridge Landfill in Old Town	ONTP
LD 1011	An Act To Improve Solid Waste Disposal Quality	ONTP
LD 1017	Resolve, To Improve Recycling in Maine	ONTP

Toxic chemicals

Not Enacted

LD 1423	An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses	
---------	--	--

Wastes

Enacted

LD 367	Resolve, To Convene a Work Group To Design and Implement a Statewide Disposable Checkout Bag Reduction Campaign, with Benchmarks	RESOLVE 54
--------	--	------------

Not Enacted

LD 63	An Act To Reduce Registration Fees for Certain Generators of Biomedical Waste	ONTP
LD 1051	An Act To Encourage Tire Recycling	ONTP

Water Quality

Enacted

LD 330	An Act To Change the Classification of Certain Waters of the State	PUBLIC 163
LD 722	Resolve, Directing a Review of the Management of Risks Associated with Surface Uses on Public Water Supplies	RESOLVE 32
LD 1311	An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters	PUBLIC 225

Not Enacted

LD 229	An Act To Promote Clean Waters in the State	ACCEPTED ONTP REPORT
LD 351	An Act Regarding the Regulation of Agricultural Composting Operations	ACCEPTED ONTP REPORT
LD 387	An Act To Protect Groundwater and Surface Water from Contamination	LEAVE TO WITHDRAW
LD 646	An Act To Improve the Water Quality of Maine's Rivers	ONTP
LD 1399	An Act Concerning Water Quality in Watersheds	INDEF PP

Waterbodies - Dams

Enacted

LD 348	An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways	PUBLIC 75
--------	--	-----------

Not Enacted

LD 208	An Act To Require a Municipality That Abuts a Body of Water To Contribute to the Cost of Upkeep of Municipally Owned Dams on That Body of Water	ONTP
LD 1282	An Act To Protect and Enhance Maine Marine Fisheries	ONTP

LD INDEX

LD #		Page #
LD 63	-----	Page 1
LD 107	-----	Page 1
LD 199	-----	Page 1
LD 207	-----	Page 2
LD 208	-----	Page 2
LD 229	-----	Page 2
LD 260	-----	Page 3
LD 298	-----	Page 3
LD 330	-----	Page 3
LD 348	-----	Page 7
LD 351	-----	Page 8
LD 363	-----	Page 9
LD 367	-----	Page 9
LD 387	-----	Page 10
LD 431	-----	Page 10
LD 460	-----	Page 10
LD 476	-----	Page 11
LD 506	-----	Page 13
LD 515	-----	Page 13
LD 535	-----	Page 13
LD 536	-----	Page 14
LD 644	-----	Page 15
LD 645	-----	Page 15
LD 646	-----	Page 15
LD 663	-----	Page 16
LD 686	-----	Page 16
LD 722	-----	Page 16
LD 723	-----	Page 17
LD 746	-----	Page 17
LD 759	-----	Page 17
LD 760	-----	Page 18
LD 837	-----	Page 19
LD 860	-----	Page 20
LD 861	-----	Page 20
LD 871	-----	Page 21
LD 876	-----	Page 21
LD 880	-----	Page 22
LD 891	-----	Page 22
LD 956	-----	Page 22
LD 973	-----	Page 23
LD 986	-----	Page 24
LD 991	-----	Page 24
LD 1010	-----	Page 25
LD 1011	-----	Page 25
LD 1017	-----	Page 26
LD 1026	-----	Page 26
LD 1032	-----	Page 26
LD 1042	-----	Page 27
LD 1051	-----	Page 28
LD 1134	-----	Page 28
LD 1156	-----	Page 29
LD 1171	-----	Page 29
LD 1218	-----	Page 30
LD 1267	-----	Page 31

LD 1268	-----	Page 31
LD 1269	-----	Page 33
LD 1282	-----	Page 33
LD 1310	-----	Page 34
LD 1311	-----	Page 35
LD 1332	-----	Page 36
LD 1333	-----	Page 38
LD 1386	-----	Page 40
LD 1399	-----	Page 41
LD 1422	-----	Page 42
LD 1423	-----	Page 42
LD 1434	-----	Page 43
LD 1471	-----	Page 44
LD 1476	-----	Page 44
LD 1479	-----	Page 45
LD 1482	-----	Page 45