STATE OF MAINE

124TH LEGISLATURE
SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

April 2010

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Joint Standing Committee on Natural Resources

LD 891 **Resolve, To Develop Practices for Developments of State and Regional Significance in Order To Reduce Dependency on Fossil Fuels and Meet the State's Greenhouse Gas Emissions Reduction Goals** **RESOLVE 206**

Sponsor(s)	Committee Report	Amendments Adopted
GOODALL	OTP-AM MAJ ONTP MIN	H-801 DUCHESNE S-386

This bill was carried over from the First Regular Session. The 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.

Committee Amendment "A" (S-386)

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve.

1. It directs the Department of Environmental Protection, in consultation with others, to compile from existing sources a set of standards for the design and operation of developments subject to the site location of development laws such that the emissions of a building designed, constructed and operated under the standards will be carbon-neutral.

2. It directs the Department of Environmental Protection, in consultation with others, to develop a series of best management practices for the design and site layout of developments subject to the site location of development laws that will contribute to minimizing the emission of greenhouse gases and maximizing energy efficiency.

3. It directs the Department of Environmental Protection, in consultation with others, to evaluate the energy performance of the Maine Uniform Building and Energy Code in relation to other energy benchmarking systems in order to recommend whether developments subject to the site location of development laws should have a different standard.

4. It requires the Department of Environmental Protection to report on each of the 3 subject areas to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2011 and authorizes the committee to submit a bill relating to the reports to the First Regular Session of the 125th Legislature.

5. It directs the Maine Land Use Regulation Commission to recommend ways to ensure that the location of future development in the commission's jurisdiction minimizes overall energy use, reduces greenhouse gas emissions and maximizes energy efficiency. It requires the commission to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 1, 2012 and authorizes the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters to submit a bill relating to the report to the Second Regular Session of the 125th Legislature.

House Amendment "A" To Committee Amendment "A" (H-801)

This amendment requires the Department of Environmental Protection to:

1. Identify alternative approaches and provide recommendations regarding ways to ensure that the design and operation of site law developments further the state climate action plan;

2. Develop best management practices for the design and site layout of site law developments;

3. Evaluate the energy performance of the Maine Uniform Building and Energy Code in relation to other benchmarking systems and recommend whether site law developments that are designed and operated to those benchmarking systems will further the state climate action plan; and

4. Submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2011.

This amendment removes language requiring that the Maine Land Use Regulation Commission identify alternative approaches and provide recommendations regarding development under its jurisdiction. This amendment also removes authority for the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit a bill to the First Regular Session of the 125th Legislature and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters to submit a bill to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2009, chapter 206 requires the Department of Environmental Protection to:

1. Identify alternative approaches and provide recommendations regarding ways to ensure that the design and operation of site law developments further the state climate action plan;

2. Develop best management practices for the design and site layout of site law developments;

3. Evaluate the energy performance of the Maine Uniform Building and Energy Code in relation to other benchmarking systems and recommend whether site law developments that are designed and operated to those benchmarking systems will further the state climate action plan; and

4. Submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2011.

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** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	ONTP	

This resolution was carried over from the First Regular Session. The 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 1423 **An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses** **PUBLIC 579**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	OTP-AM	H-712

This bill was carried over from the First Regular Session.

The 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; and

5. Eliminating the requirement that facilities use an activity production index when filing the pollution prevention plan.

Committee Amendment "A" (H-712)

This amendment replaces the bill. Part A repeals the Maine Revised Statutes, Title 38, chapter 26 effective July 1, 2012. It directs the Department of Environmental Protection to establish by rule a list of priority toxic chemicals by July 1, 2011 and to review and revise the list at least every three years. Commercial and industrial facilities that use in excess of 1,000 pounds of a priority toxic chemical per year are required by July 1, 2012 to develop a pollution prevention plan or environmental management system and by July 1, 2013 to begin filing annual usage reports with the department. Information contained in the report may be classified as confidential.

Part A also requires the department to develop a technical assistance program, authorizes the department to develop a recognition program and authorizes the department to exempt facilities from the requirements of the law.

Part A also requires the department to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report on a revised fee structure by January 5, 2013.

Part B corrects cross-references.

Enacted Law Summary

Public Law 2009, chapter 579 repeals the Maine Revised Statutes, Title 38, chapter 26 effective July 1, 2012. Part A of chapter 579:

1. Directs the Department of Environmental Protection to establish by rule a list of priority toxic chemicals by July 1, 2011 and to review and revise the list at least every 3 years. Commercial and industrial facilities that

use in excess of 1,000 pounds of a priority toxic chemical per year are required by July 1, 2012 to develop a pollution prevention plan or environmental management system and by July 1, 2013 to begin filing annual usage reports with the department. Information contained in the report may be classified as confidential;

2. Requires the department to develop a technical assistance program, authorizes the department to develop a recognition program and authorizes the department to exempt facilities from the requirements of the law; and

3. Requires the department to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report on a revised fee structure by January 5, 2013.

Part B corrects cross-references.

LD 1518 **Resolve, Regarding Legislative Review of Section 16 Activities in Coastal Sand Dunes, a Major Substantive Rule of the Department of Environmental Protection** **RESOLVE 167 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-651

This resolve provides for legislative review of Section 16 Activities in Coastal Sand Dunes, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-651)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2009, chapter 167 authorizes final adoption of Section 16 Activities in Coastal Sand Dunes, a major substantive rule of the Department of Environmental Protection.

Resolve 2009, chapter 167 was finally passed as an emergency measure effective March 23, 2010.

LD 1526 **Resolve, Regarding Legislative Review of Portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a Major Substantive Rule of the Department of Environmental Protection** **RESOLVE 149 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2009, chapter 149 authorizes final adoption of portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a major substantive rule of the Department of Environmental Protection.

Resolve 2009, chapter 149 was finally passed as an emergency measure effective February 18, 2010.

LD 1527 **Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection** **RESOLVE 148 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of Chapter 692: Siting of Oil Storage Facilities, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2009, chapter 148 authorizes final adoption of portions of Chapter 692: Siting of Oil Storage Facilities, a major substantive rule of the Department of Environmental Protection.

Resolve 2009, chapter 148 was finally passed as an emergency measure effective February 18, 2010.

LD 1538 **An Act To Close Loopholes in Environmental Laws** **PUBLIC 537**

Sponsor(s)	Committee Report	Amendments Adopted
WELSH NASS R	OTP-AM	H-665

This bill clarifies the "permit shield" provision of the waste discharge law to replace a reference to "this chapter" with a reference to the relevant sections. The bill also clarifies the forest management exemption of the storm water management law to include some language from a similar exemption in the Natural Resources Protection Act. The bill provides that when a municipal planning board is determining whether two or more contiguous nonconforming lots must be treated as a single lot under shoreland zoning because they are owned by the same person, the planning board may consider whether the same person owns or has a financial interest in both lots, even if such ownership or financial interest is jointly held with other persons or as a member, officer or shareholder of a corporation. The bill clarifies the exemption from the Natural Resources Protection Act for road construction used primarily for forest management activities and not used to access development. The exemption currently does not apply to roads that provide access to development in a subdivision, and the bill changes the text from "to development in a subdivision" to "to a subdivision."

Committee Amendment "A" (H-665)

This amendment strikes the provision in the bill that provides guidance to municipal planning boards when determining whether two or more contiguous nonconforming lots are owned by the same person for purposes of treating the lots as a single lot. The amendment replaces the exemption for forest management activities in the storm water management law with text that is more consistent with the exemption addressing forest management activities in the Natural Resources Protection Act. The amendment retains the clarification in the bill concerning changes in

land use. The amendment changes part of the exemption addressing forest management activities in the Natural Resources Protection Act to include a clarification concerning changes in land use.

Enacted Law Summary

Public Law 2009, chapter 537 clarifies the "permit shield" provision of the waste discharge law to replace a reference to "this chapter" with a reference to the relevant sections. It clarifies the forest management exemption in the storm water management law. It clarifies the exemption addressing forest management activities in the Natural Resources Protection Act.

LD 1553 **An Act To Facilitate Establishment of Watershed Districts** **PUBLIC 506 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
EBERLE DAVIS G	OTP-AM	H-631

This bill facilitates establishment of watershed districts to address urban-impaired streams in two ways.

The bill amends the laws governing site location of development to authorize the Department of Environmental Protection to make a finding that the storm water management standards are met if a redevelopment project is located in a watershed with an approved management plan and the project's owner or operator has entered into an agreement or has obtained the approvals and permits necessary to participate in that management plan.

The bill amends the laws governing coastal and lake watershed districts to clarify that the laws provide one way of establishing a watershed district and that, alternatively, one or more municipalities may create a watershed district under municipal home rule authority or under interlocal cooperation authority. The bill is retroactive to July 1, 2009 to ensure that actions taken since that date to create watershed districts by interlocal agreement or by incorporation are valid.

Committee Amendment "A" (H-631)

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

Enacted Law Summary

Public Law 2009, chapter 506 facilitates establishment of watershed districts to address urban-impaired streams in two ways. It amends the laws governing site location of development to authorize the Department of Environmental Protection to make a finding that the storm water management standards are met if a redevelopment project is located in a watershed with an approved management plan and the project's owner or operator has entered into an agreement or has obtained the approvals and permits necessary to participate in that management plan. It amends the laws governing coastal and lake watershed districts to clarify that the laws provide one way of establishing a watershed district and that, alternatively, one or more municipalities may create a watershed district under municipal home rule authority or under interlocal cooperation authority. Chapter 506 is retroactive to July 1, 2009 to ensure that actions taken since that date to create watershed districts by interlocal agreement or by incorporation are valid.

Public Law 2009, chapter 506 was enacted as an emergency measure effective March 15, 2010.

LD 1568 **An Act To Clarify Maine's Phaseout of Polybrominated Diphenyl Ethers** **PUBLIC 610**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE GOODALL	OTP-AM	H-731 S-502 GOODALL

This bill bans the manufacture and sale of shipping pallets and products manufactured from recycled shipping pallets that contain the "deca" mixture of polybrominated diphenyl ethers, effective January 1, 2011.

Committee Amendment "A" (H-731)

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

1. It bans the manufacture, sale and use of products, other than shipping pallets, that are manufactured from recycled shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers.

2. Beginning January 1, 2012, it bans the manufacture, sale and use of shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers, except for shipping pallets manufactured before January 1, 2012 that contain the "deca" mixture and shipping pallets that are manufactured from recycled shipping pallets containing the "deca" mixture.

3. It provides for an exemption process under which a manufacturer may apply to the Commissioner of Environmental Protection for an exemption to the January 1, 2012 ban. The commissioner shall grant an exemption if certain criteria are met. An exemption may not extend beyond January 1, 2013.

4. It requires a manufacturer or owner of shipping pallets that are subject to the restrictions to annually certify compliance with the restrictions to the Department of Environmental Protection.

5. It requires a manufacturer of shipping pallets containing the "deca" mixture to notify persons that sell the product of the restrictions.

6. It specifies the criteria a chemical alternative must meet in order to be used as a replacement for the "deca" mixture.

7. It authorizes information submitted to the department that is related to the manufacture, sale or use of the "deca" mixture to be designated as confidential.

8. It authorizes the department to supervise an alternatives assessment study to determine the availability of safer alternatives to the use of the "deca" mixture in shipping pallets. The study may be voluntarily funded by a manufacturer or owner of shipping pallets subject to the restrictions in the law. It requires the department to determine by January 1, 2011 whether there is reasonable basis to conclude that information available to the department demonstrates that a safer alternative to the use of the "deca" mixture in shipping pallets exists. It requires the Commissioner of Environmental Protection to consider applicable fire safety standards, approvals and tests and relevant performance standards that are consistent with the specifications of the manufacturer and industry practices.

Senate Amendment "C" To Committee Amendment "A" (S-502)

This amendment changes the effective date for a person subject to restrictions of replacement of the "deca" mixture from January 1, 2011 to June 1, 2011. The amendment makes a technical correction to a percentage amount. The amendment narrows the prohibition on replacements for the "deca" mixture from a halogenated organic chemical that contains the element bromine, chlorine or fluorine to a brominated or chlorinated flame retardant. The amendment also requires the Department of Environmental Protection to study, within existing resources, whether the implementation of the restriction that a "deca" mixture may not be replaced with a chemical alternative that is a brominated or chlorinated flame retardant would cause a hardship to anyone that must comply with the restriction.

Enacted Law Summary

Public Law 2009, chapter 610 does the following.

1. It bans the manufacture, sale and use of products, other than shipping pallets, that are manufactured from recycled shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers.

2. Beginning January 1, 2012, it bans the manufacture, sale and use of shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers, except for shipping pallets manufactured before January 1, 2012 that contain the "deca" mixture and shipping pallets that are manufactured from recycled shipping pallets containing the "deca" mixture.

3. It provides for an exemption process under which a manufacturer may apply to the Commissioner of Environmental Protection for an exemption to the January 1, 2012 ban. The commissioner shall grant an exemption if certain criteria are met. An exemption may not extend beyond January 1, 2013.

4. It requires a manufacturer or owner of shipping pallets that are subject to the restrictions to annually certify compliance with the restrictions to the Department of Environmental Protection.

5. It requires a manufacturer of shipping pallets containing the "deca" mixture to notify persons that sell the product of the restrictions.

6. It specifies the criteria a chemical alternative must meet in order to be used as a replacement for the "deca" mixture.

7. It authorizes information submitted to the department that is related to the manufacture, sale or use of the "deca" mixture to be designated as confidential.

8. It authorizes the department to supervise an alternatives assessment study to determine the availability of safer alternatives to the use of the "deca" mixture in shipping pallets. The study may be voluntarily funded by a manufacturer or owner of shipping pallets subject to the restrictions in the law. It requires the department to determine by January 1, 2011 whether there is reasonable basis to conclude that information available to the department demonstrates that a safer alternative to the use of the "deca" mixture in shipping pallets exists. It requires the Commissioner of Environmental Protection to consider applicable fire safety standards, approvals and tests and relevant performance standards that are consistent with the specifications of the manufacturer and industry practices.

9. It requires the Department of Environmental Protection to study, within existing resources, whether the implementation of the restriction that a "deca" mixture may not be replaced with a chemical alternative that is a brominated or chlorinated flame retardant would cause a hardship to anyone that must comply with the restriction.

LD 1573 **An Act To Improve Water Quality through the Phaseout of Overboard Discharges and the Improvement of the Boat Pump-out Laws** **PUBLIC 654**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM	H-756

The bill does the following.

1. It provides that, subject to the availability of funds, the Commissioner of Environmental Protection pays a portion of the cost of the alternative to an overboard discharge system in the form of a grant if certain criteria are met. Where the grant is insufficient to cover the cost of removal, the commissioner may offer a loan using funds from the revolving loan fund.

2. It sets an upper limit on income eligibility for funding to assist the owner of an overboard discharge and makes several changes and clarifications to the meaning of "annual income."

3. It clarifies the ownership transfer provisions and requires an alternatives analysis and possible replacement of an overboard discharge prior to significant reconstruction of the primary residence, expansion of the primary residence by 30%, division of the lot or transfer of the adjacent lot where the same person has a financial interest in the lot with the primary residence and the adjacent lot. Also, an alternative system to an overboard discharge must be removed where connection to a public sewer is practicable.

4. It changes references to "relicensing" overboard discharges to "licensing" and requires that an identified technologically proven replacement system be installed within 180 days of site evaluation approval and written notification by the Department of Environmental Protection. It also provides that the overboard discharge owner may apply for funding and provides for the postponement of replacement system installation should grant funding not be available.

5. It allows the licensing of existing overboard discharges that have no practicable alternatives.

6. It requires that watercraft sanitary waste pump-out facilities at marinas be easily accessible and functional during normal working hours and at all stages of the tide. It also sets an upper limit on the pump-out fee equivalent to 200% of the fee limit set pursuant to the Clean Vessel Act of 1992.

Committee Amendment "A" (H-756)

The amendment amends the definition of "annual income" for purposes of determining eligibility for grants to pay a portion of the cost of an alternative to an overboard discharge system. It amends the definition of "significant action." It allows commercial establishments to request an extension of time to install an alternative to an overboard discharge when transferring ownership and requires the Department of Environmental Protection to approve or deny the extension request within 10 business days. It provides that the law does not require a municipality to withhold a local permit or approval associated with a significant action. It prohibits the Department of Environmental Protection from requiring an identified alternative to an overboard discharge to be installed earlier than July 2, 2012 if a residential or commercial establishment has an overboard discharge that is not eligible for a grant and has a license that expires on or after July 2, 2010 and prior to July 2, 2012. It prohibits the Department of Environmental Protection from requiring an identified alternative to an overboard discharge to be installed unless the alternative constitutes best practicable treatment. It requires marinas that serve vessels year-round to provide pump-out services year-round.

Enacted Law Summary

Public Law 2009, chapter 654 amends the laws governing overboard discharge systems, including provisions relating to:

1. Grant and loan eligibility;

2. Alternatives analysis requirements and overboard discharge replacement on ownership transfer and "significant actions;" and

3. Overboard discharge replacement on relicensing.

Chapter 654 also amends the laws governing watercraft sanitary waste pump-out facilities at marinas.

LD 1575 **An Act To Establish a Residential Wood Stove Replacement Fund** **PUBLIC 653**

Sponsor(s)	Committee Report	Amendments Adopted
BECK JACKSON	OTP-AM	H-642 S-539 DIAMOND

This bill establishes a residential wood stove replacement program in the Department of Environmental Protection under which eligible applicants could receive funding toward the purchase of new cleaner-burning residential heating appliances to replace older wood stoves and allocates funds for that purpose.

Committee Amendment "A" (H-642)

This amendment removes appropriations from the State as a funding source for the Residential Wood Stove Replacement Fund. It specifies that financial incentives to replace wood stoves are intended only for residents of the State. It clarifies that only wood stoves manufactured prior to 1988 and used as a primary source of heat in a primary residence are eligible for financial incentives. It requires the Department of Environmental Protection to establish the wood stove replacement program through rulemaking. It increases the allocation of funds in fiscal year 2010-11 to $2,500,000.

Senate Amendment "A" To Committee Amendment "A" (S-539)

This amendment provides for the repeal of the use of Other Special Revenue funds derived from civil penalties associated with department enforcement actions on January 1, 2012, provides for the department to report on the residential wood stove replacement program to the joint standing committee of the Legislature having jurisdiction over natural resources matters and makes adjustments in the appropriations and allocations that better reflect existing funding opportunities.

Enacted Law Summary

Public Law 2009, chapter 653 establishes a residential wood stove replacement program in the Department of Environmental Protection under which eligible applicants could receive funding toward the purchase of new cleaner-burning residential heating appliances to replace older wood stoves. It requires the department to report on the status and account activity of the residential wood stove replacement program to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2012.

LD 1577 **An Act Concerning the Establishment of Water Levels** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK H	ONTP	

This bill amends the water level laws in the Maine Revised Statutes, Title 38 to replace the requirement for an adjudicatory hearing by the Commissioner of Environmental Protection or the Board of Environmental Protection on a request or petition for a water level regime or, if applicable, a minimum flow requirement, with a requirement for a public meeting by the commissioner. This bill also amends the water level laws to authorize the commissioner to dismiss without prejudice any petition that does not contain evidence of mediation or other substantial good faith efforts to resolve any disputes regarding current water level management practices or minimum flow requirements for a body of water impounded by a dam with the owner, lessee or person in control of the dam. The bill further amends the water level laws to authorize the commissioner to dismiss without prejudice any petition that is not supported by substantial evidence that current water level management practices or minimum flow requirements are materially affecting the resources, interests or goals specified in Title 38, section 840, subsection 4.

LD 1603 **An Act To Amend Laws Administered by the Department of Environmental Protection** **PUBLIC 501**

Sponsor(s)	Committee Report	Amendments Adopted
GOODALL	OTP-AM	S-362

This bill makes changes to laws administered by the Department of Environmental Protection.

1. It changes the description of where a town may use its highway equipment for fire and police protection from "private roads, private ways or bridges" to "private ways." With respect to fire and police protection, it restores the laws governing the use of the highway equipment of a town on private ways to substantially the form they had before the enactment of Public Law 2009, chapter 239. The bill also specifies that the residents of a town or village corporation at a town or village corporation meeting may appropriate funds to repair a private road, way or bridge for the purpose of protecting or restoring a great pond.

2. It amends the laws governing oil discharges to make it clear that the authority of the Commissioner of Environmental Protection to issue clean-up orders extends to all oil discharges and is not limited to discharges that emanate from a storage tank.

3. It updates language regarding 3rd-party damage claims arising from oil discharges.

4. It amends the laws governing oil discharges to authorize the Department of Environment Protection, consistent with current authority under the law governing uncontrolled hazardous substance sites, to include interest when placing liens to recover costs incurred by the department in response to an oil discharge.

5. It clarifies the circumstances under which the owner of a parcel of land on which an out-of-service oil storage facility is located may be held responsible for properly abandoning the facility.

6. It prohibits the return to service of a single-walled underground oil storage tank that has been out of service for more than 12 months.

7. It clarifies the applicability of the deductible amount that must be paid by the owner or operator of a leaking oil storage tank when seeking coverage of clean-up costs from the Ground Water Oil Clean-up Fund when the owner has failed to comply with the requirement to obtain a construction permit from the Office of the State Fire Marshal.

8. It clarifies applicability of the deductible amount that must be paid by the owner or operator of a leaking oil storage tank when seeking coverage of clean-up costs from the Ground Water Oil Clean-up Fund if the tank fails to conform to the requirements of the Oil and Solid Fuel Board.

9. It expands the enforcement options available to the Commissioner of Environmental Protection when addressing violations of the lead abatement laws.

10. It allows a landlord to employ a lead dust sampling technician to show that a dwelling unit qualifies for listing on the registry of leased lead-safe residential dwellings. Under current law, a landlord must use a lead inspector.

11. It authorizes the Department of Environmental Protection to recover costs incurred in responding to a discharge of hazardous waste, waste oil and biomedical waste by placing a lien against the real estate of the responsible party.

12. It amends the laws governing mercury-added products to consolidate provisions prohibiting the sale of mercury manometers and thermometers.

13. It amends the laws governing mercury thermostats to consolidate requirements for thermostat wholesalers.

14. It deletes language in unallocated law that requires the Department of Environmental Protection to hold consolidated proceedings with the Department of Transportation in certain situations.

15. It amends the laws governing the Ground Water Oil Clean-up Fund to authorize disbursements for the cleanup of discharges from oil storage facilities whether or not the oil reaches ground water.

16. It amends the laws governing wellhead protection to make it clear that an abandoned underground oil storage facility located within a wellhead protection zone may not be replaced.

17. It clarifies the prohibition on the sale of mercury-added silver oxide button cell batteries.

Committee Amendment "A" (S-362)

This amendment specifies that a municipality may appropriate funds to repair a private road, way or bridge for the purpose of protecting or restoring a great pond. The bill specified that a town or village corporation could appropriate funds for that purpose. The amendment also clarifies that the prohibition on the return to service of a single-walled underground oil storage tank applies to tanks that have been out of service for 12 consecutive months.

Enacted Law Summary

Public Law 2009, chapter 501 makes changes to laws administered by the Department of Environmental Protection.

1. It changes the description of where a town may use its highway equipment for fire and police protection from "private roads, private ways or bridges" to "private ways." With respect to fire and police protection, it restores the laws governing the use of the highway equipment of a town on private ways to substantially the form they had before the enactment of Public Law 2009, chapter 239. It also specifies that a municipality may appropriate funds to repair a private road, way or bridge for the purpose of protecting or restoring a great pond.

2. It amends the laws governing oil discharges to make it clear that the authority of the Commissioner of

Environmental Protection to issue clean-up orders extends to all oil discharges and is not limited to discharges that emanate from a storage tank.

3. It updates language regarding third-party damage claims arising from oil discharges.

4. It amends the laws governing oil discharges to authorize the Department of Environment Protection, consistent with current authority under the law governing uncontrolled hazardous substance sites, to include interest when placing liens to recover costs incurred by the department in response to an oil discharge.

5. It clarifies the circumstances under which the owner of a parcel of land on which an out-of-service oil storage facility is located may be held responsible for properly abandoning the facility.

6. It prohibits the return to service of a single-walled underground oil storage tank that has been out of service for more than 12 consecutive months.

7. It clarifies the applicability of the deductible amount that must be paid by the owner or operator of a leaking oil storage tank when seeking coverage of clean-up costs from the Ground Water Oil Clean-up Fund when the owner has failed to comply with the requirement to obtain a construction permit from the Office of the State Fire Marshal.

8. It clarifies applicability of the deductible amount that must be paid by the owner or operator of a leaking oil storage tank when seeking coverage of clean-up costs from the Ground Water Oil Clean-up Fund if the tank fails to conform to the requirements of the Oil and Solid Fuel Board.

9. It expands the enforcement options available to the Commissioner of Environmental Protection when addressing violations of the lead abatement laws.

10. It allows a landlord to employ a lead dust sampling technician to show that a dwelling unit qualifies for listing on the registry of leased lead-safe residential dwellings. Under current law, a landlord must use a lead inspector.

11. It authorizes the Department of Environmental Protection to recover costs incurred in responding to a discharge of hazardous waste, waste oil and biomedical waste by placing a lien against the real estate of the responsible party.

12. It amends the laws governing mercury-added products to consolidate provisions prohibiting the sale of mercury manometers and thermometers.

13. It amends the laws governing mercury thermostats to consolidate requirements for thermostat wholesalers.

14. It deletes language in unallocated law that requires the Department of Environmental Protection to hold consolidated proceedings with the Department of Transportation in certain situations.

15. It amends the laws governing the Ground Water Oil Clean-up Fund to authorize disbursements for the cleanup of discharges from oil storage facilities whether or not the oil reaches ground water.

16. It amends the laws governing wellhead protection to make it clear that an abandoned underground oil storage facility located within a wellhead protection zone may not be replaced.

17. It clarifies the prohibition on the sale of mercury-added silver oxide button cell batteries.

LD 1631 **An Act To Provide Leadership Regarding the Responsible Recycling of Consumer Products** **PUBLIC 516**

Sponsor(s)	Committee Report	Amendments Adopted
INNES GOODALL	OTP-AM	H-673

This bill establishes a product stewardship law under the Department of Environmental Protection.

The bill requires the department to establish procedures for identifying products that are appropriate for a product stewardship program and to designate specific products and product categories that are subject to the product stewardship program requirements. The bill also sets forth factors that must be considered by the department in making this determination, including, but not limited to, the degree to which the product poses an adverse impact to the environment and public health, opportunities for the development of business and opportunities for energy conservation and reduction of waste and toxicity. Under the bill, producers of the designated products must participate in product stewardship programs established and paid for by the producers of the products. If a producer of a designated product does not participate in an approved product stewardship program, that producer's product may not be sold in or into the State as of an implementation date to be established by the department. The bill requires producers of designated products to submit to the department for approval product stewardship plans and proposed changes to established plans. The bill also authorizes the department to amend, suspend or cancel its approval of a product stewardship plan and requires product stewardship programs to submit annual reports.

Committee Amendment "A" (H-673)

This amendment replaces the bill. The amendment authorizes the Department of Environmental Protection to submit on an annual basis a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on products and product categories that when generated as waste may be appropriately managed under a product stewardship program. The amendment authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit annually a bill to establish new product stewardship programs or revise existing product stewardship programs after the committee's review of the department report.

Enacted Law Summary

Public Law 2009, chapter 516 authorizes the Department of Environmental Protection to submit on an annual basis a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on products and product categories that when generated as waste may be appropriately managed under a product stewardship program. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit annually a bill to establish new product stewardship programs or revise existing product stewardship programs after the committee's review of the department report.

LD 1632 **Resolve, Regarding Biofuel in Number 2 Heating Oil** **RESOLVE 210**

Sponsor(s)	Committee Report	Amendments Adopted
BUTTERFIELD BARTLETT	OTP-AM	H-690 S-541 DIAMOND

This bill requires that, beginning July 1, 2011, heating fuel sold for use in the State must have a sulfur content of no more than 15 parts per million and must contain at least 2% biofuel. As production of biofuel in the State increases, the percentage of biofuel required also increases. The bill also authorizes the Governor to waive the ultra-low sulfur and biofuel requirements.

Committee Amendment "A" (H-690)

This amendment replaces the bill and changes the title. The amendment establishes state goals for the percentage of biofuel that number 2 heating oil must contain. The amendment also directs the Executive Department, Governor's Office of Energy Independence and Security to oversee a study of and report on the feasibility of setting a requirement for the percentage of biofuel to be used in number 2 heating oil. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to submit a bill related to the subject matter of the report.

Senate Amendment "A" To Committee Amendment "A" (S-541)

This amendment changes the bill to a resolve and eliminates the provision that establishes state goals for the percentage of biofuel that number 2 heating oil must contain.

Enacted Law Summary

Resolve 2009, chapter 210 directs the Executive Department, Governor's Office of Energy Independence and Security to oversee a study of and report on the feasibility of setting a requirement for the percentage of biofuel to be used in number 2 heating oil. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to submit a bill related to the subject matter of the report.

LD 1633 **An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
JOHNSON	OTP-AM	H-629

This bill allows municipal landfills that were allowed to remain in operation after January 1, 2000 but are subsequently ordered closed or encapsulated by December 31, 2014 because they do not meet current environmental protection standards to receive funding from the State's remediation and closure program for a portion of closure costs if funding is available.

Committee Amendment "A" (H-629)

The amendment strikes the provision in the bill that allows licensed municipal landfills to use reduced closure procedures. It also makes the State's cost-share program for municipal landfill closure applicable to municipal landfills that were originally licensed on or before September 1, 1989 and contingent on a finding that the landfill is contaminating groundwater and that corrective actions have not been successful.

LD 1662 **An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas** **PUBLIC 604**

Sponsor(s)	Committee Report	Amendments Adopted
GOODALL	OTP-AM	S-402

Federal law and regulations require states with fuel-burning sources that are reasonably anticipated to cause or contribute to impairment of visibility in federally designated Class I areas to implement reasonable measures to reduce visibility impairment within those areas. This bill establishes reductions in the sulfur content of fuel oil that take effect in 2014 and 2018.

Committee Amendment "A" (S-402)

The amendment changes the date, from January 1, 2014 to January 1, 2016, by which the sulfur content of distillate fuel may not be greater than 0.005% by weight. The amendment exempts distillate fuel that is used for manufacturing purposes from the low sulfur content requirements. It requires the Department of Environmental Protection to adopt major substantive rules that provide an opportunity for a licensed air contamination source to apply for an equivalent alternative sulfur reduction strategy to the residual fuel oil and distillate fuel requirements. It directs the Department of Environmental Protection to establish an advisory committee to assess the barriers and impediments to air emissions sources' reducing their reliance on fuel oils. It directs the Department of Environmental Protection to conduct a fuel oil supply study in 2014 and submit the results of its findings to the Legislature by January 15, 2015.

Enacted Law Summary

Public Law 2009, chapter 604 establishes reductions in the sulfur content of fuel oil that take effect in 2016 and 2018. It exempts distillate fuel that is used for manufacturing purposes from the low sulfur content requirements. It requires the Department of Environmental Protection to adopt major substantive rules that provide an opportunity for a licensed air contamination source to apply for an equivalent alternative sulfur reduction strategy to the residual fuel oil and distillate fuel requirements. It directs the Department of Environmental Protection to establish an advisory committee to assess the barriers and impediments to air emissions sources' reducing their reliance on fuel oils. It directs the Department of Environmental Protection to conduct a fuel oil supply study in 2014 and submit the results of its findings to the Legislature by January 15, 2015.

LD 1693 **Resolve, Regarding a Report on the Status of Federal Ship Ballast Water Discharge Rules** **RESOLVE 198**

Sponsor(s)	Committee Report	Amendments Adopted
FLAHERTY	OTP-AM	H-652
		S-436 GOODALL

This bill prohibits ocean-going vessels from discharging ballast water that contains any detectable living organisms into the coastal waters of the State after January 1, 2021. The bill defines "ocean-going vessel" as any vessel operating within the coastal waters of the State that is equipped with ballast tanks capable of taking on and discharging water for the purposes of controlling or maintaining the vessel's trim, draft or stability or to control stresses on the vessel. The bill establishes interim standards in effect from January 1, 2011 to January 1, 2021 that

allow ocean-going vessels to obtain a permit from the Department of Environmental Protection to discharge ballast water that contains minimal amounts of living organisms, bacteria, viruses and microbes into the coastal waters of the State. Those interim standards are incrementally applied to larger and older ocean-going vessels over that 10-year period. A person who violates these provisions commits a civil violation and is subject to a penalty of not less than $1,000 and not more than $10,000 for each violation. The Board of Environmental Protection is required to adopt emergency major substantive rules in 2010 to implement these provisions, and to subsequently submit those rules to the Legislature for review no later than January 14, 2011. The rules must require an annual ballast water discharge permit for ocean-going vessels. The annual fee for that permit must be based on the ballast water capacity of vessels covered by these provisions and must be, in the aggregate, sufficient to fully fund the cost of implementing and enforcing these provisions.

Committee Amendment "A" (H-652)

This amendment replaces the bill with a resolve. The amendment directs the Department of Environmental Protection to report by January 5, 2012 on the status of rulemaking by the United States Coast Guard relating to ship ballast water discharge. The amendment also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit a bill to the Second Regular Session of the 125th Legislature.

Senate Amendment "A" To Committee Amendment "A" (S-436)

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit a bill to the 125th Legislature.

Enacted Law Summary

Resolve 2009, chapter 198 directs the Department of Environmental Protection to report by January 5, 2012 on the status of rulemaking by the United States Coast Guard relating to ship ballast water discharge.

LD 1699 **An Act To Update and Modernize Maine's Floodplain Mapping** **PUBLIC 522 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
LEGG NASS R	OTP-AM	H-655

This bill provides a General Fund appropriation to the Executive Department, State Planning Office of $250,000 in fiscal year 2010-11 to update and modernize the State's floodplain maps.

Committee Amendment "A" (H-655)

This amendment replaces the bill. The amendment establishes the Floodplain Mapping Fund for the purpose of providing funds for the mapping of floodplains in the State. The amendment adds an appropriations and allocations section and it also adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2009, chapter 522 establishes the Floodplain Mapping Fund for the purpose of providing funds for the mapping of floodplains in the State.

Public Law 2009, chapter 522 was enacted as an emergency measure effective March 18, 2010.

LD 1716 **An Act To Expedite Rulemaking Concerning Agronomic Utilization of Sludge** **PUBLIC 507**

Sponsor(s)	Committee Report	Amendments Adopted
DUCHESNE JACKSON	OTP	

This bill amends the rule-making authority of the Board of Environmental Protection to eliminate the requirement for legislative approval prior to adoption of rules on the agronomic utilization of sludge.

Enacted Law Summary

Public Law 2009, chapter 507 amends the rule-making authority of the Board of Environmental Protection to eliminate the requirement for legislative approval prior to adoption of rules on the agronomic utilization of sludge.

LD 1725 **Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection** **RESOLVE 208**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ OTP-AM MIN	H-678 S-493 GOODALL S-506 GOODALL

This resolve provides for legislative review of portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-677)

This amendment was not adopted. This amendment is the majority report of the committee. The amendment authorizes portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards but delays the effective date of the rule to January 1, 2012. The amendment also directs the Department of Environmental Protection with the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to conduct a series of meetings with municipal public works officials to provide training, information and opportunities to evaluate crossings subject to the requirements of the rule. The amendment directs the Department of Environmental Protection and the Department of Transportation to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the outreach and field work activities undertaken by the departments and on the impact of the rule not later than January 5, 2011. It also authorizes the committee to submit a bill to the First Regular Session of the 125th Legislature regarding suggested revisions to the rule.

Committee Amendment "B" (H-678)

This amendment is the minority report of the committee. The amendment denies authorization for the Department of Environmental Protection to finally adopt a provisionally adopted rule regarding stream crossings and directs the department to resubmit rules to the Legislature by January 1, 2011.

Senate Amendment "A" To Committee Amendment "B" (S-493)

This amendment authorizes portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards only as it applies to construction of new stream crossings undertaken on or after the effective date of this resolve. The amendment also directs the Department of Environmental Protection, with the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, to conduct a series of meetings with municipal public works officials to provide training, information and opportunities to evaluate stream crossings. The amendment directs the Department of Environmental Protection to adopt major substantive rules regarding stream crossings that are already in existence on the effective date of this resolve and requires that the provisionally adopted rules be submitted to the Legislature by January 1, 2011 for review by the joint standing committee of the Legislature having jurisdiction over natural resources matters. The amendment directs the Department of Environmental Protection and the Department of Transportation to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the outreach and field work activities undertaken by the departments and on the impact of the rule not later than January 5, 2011.

Senate Amendment "A" (S-506)

This amendment removes the emergency preamble and the emergency clause.

Enacted Law Summary

Resolve 2009, chapter 208 authorizes portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards only as it applies to construction of new stream crossings undertaken on or after the effective date of this resolve. It also directs the Department of Environmental Protection, with the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, to conduct a series of meetings with municipal public works officials to provide training, information and opportunities to evaluate stream crossings. It directs the Department of Environmental Protection to adopt major substantive rules regarding stream crossings that are already in existence on the effective date of this resolve and requires that the provisionally adopted rules be submitted to the Legislature by January 1, 2011 for review by the joint standing committee of the Legislature having jurisdiction over natural resources matters. It directs the Department of Environmental Protection and the Department of Transportation to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the outreach and field work activities undertaken by the departments and on the impact of the rule not later than January 5, 2011.

LD 1742 **Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 164 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of Chapter 232: Well Drillers and Pump Installers Rules, a major substantive rule of the Department of Health and Human Services.

Enacted Law Summary

Resolve 2009, chapter 164 authorizes final adoption of portions of Chapter 232: Well Drillers and Pump Installers Rules, a major substantive rule of the Department of Health and Human Services.

Resolve 2009, chapter 164 was finally passed as an emergency measure effective March 17, 2010.

LD 1760 **Resolve, Concerning the Proper Disposal of Motor Fuels Containing Ethanol** **RESOLVE 201**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	OTP-AM	S-410

This resolve requires the Department of Environmental Protection and the Department of Conservation jointly to adopt rules to educate the public about the handling and disposal of motor fuels containing ethanol and to ensure the availability of places for disposal of motor fuel. Rules adopted pursuant to this resolve are routine technical rules.

Committee Amendment "A" (S-410)

This amendment replaces the resolve. The amendment requires the Department of Environmental Protection to conduct an outreach and education campaign to provide information to residents statewide regarding the handling and disposal of motor fuels containing ethanol.

Enacted Law Summary

Resolve 2009, chapter 201 requires the Department of Environmental Protection to conduct an outreach and education campaign to provide information to residents statewide regarding the handling and disposal of motor fuels containing ethanol.

LD 1775 **An Act To Amend Mercury Stack Testing Requirements for Certain Air Emission Sources** **PUBLIC 535**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-394

This bill is reported out by the Joint Standing Committee on Natural Resources pursuant to the Maine Revised Statutes, Title 38, section 585-B, subsection 6. The bill requires air emission sources emitting mercury in excess of 10 pounds per year to conduct stack tests for mercury twice per year for two years and to submit a mercury reduction plan to the Department of Environmental Protection. The bill 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 a bill to the 126th Legislature in connection with the updated report.

Committee Amendment "A" (S-394)

This amendment changes the stack test requirements in the bill to apply to air emission sources emitting mercury in excess of 10 pounds in calendar year 2010. It authorizes the Department of Environmental Protection to approve an alternative to the stack testing requirements. It allows the results of multiple stack tests to be averaged in accordance with guidance from the Department of Environmental Protection.

Enacted Law Summary

Public Law 2009, chapter 535 requires air emission sources emitting mercury in excess of 10 pounds in calendar year 2010 to conduct stack tests for mercury twice in calendar year 2011 and twice in calendar year 2012 and to submit a mercury reduction plan to the Department of Environmental Protection. It authorizes the Department of Environmental Protection to approve an alternative to the stack testing requirements. It allows the results of

multiple stack tests to be averaged in accordance with guidance from the Department of Environmental Protection. It directs the Department of Environmental Protection to submit an updated report relating to mercury emissions and standards and authorizes the committee to report out a bill to the 126th Legislature in connection with the updated report.

LD 1787 **An Act To Provide for Legislative Review of Recently Proposed Revisions to Certain Rules Adopted Pursuant to the Site Location of Development Laws and the Storm Water Management Laws** **PUBLIC 602 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
GOODALL	OTP-AM	S-403

This bill requires that rules adopted by the Department of Environmental Protection pursuant to the site location of development laws after January 1, 2010 and before January 1, 2012 are major substantive rules. Storm water management rules remain routine technical rules. Any major substantive rules provisionally adopted for the site location of development laws in 2010 must be submitted to the joint standing committee of the 125th Legislature having jurisdiction over natural resources matters for review. Rules adopted after January 1, 2012 are routine technical rules.

Committee Amendment "A" (S-403)

This amendment adds an emergency preamble and emergency clause to the bill. The amendment requires that rules adopted by the Department of Environmental Protection regarding storm water management after January 1, 2010 and before January 1, 2012 are major substantive rules. Rules adopted after January 1, 2012 are routine technical rules.

Enacted Law Summary

Public Law 2009, chapter 602 requires that rules adopted by the Department of Environmental Protection pursuant to the site location of development laws and storm water management laws after January 1, 2010 and before January 1, 2012 are major substantive rules. Any major substantive rules provisionally adopted for the site location of development laws or storm water management laws in 2010 must be submitted to the joint standing committee of the 125th Legislature having jurisdiction over natural resources matters for review. Rules adopted after January 1, 2012 are routine technical rules.

Public Law 2009, chapter 602 was enacted as an emergency measure effective March 23, 2010.

LD 1793 **An Act To Stabilize Funding for Hazardous Material Emergency Response by the Department of Environmental Protection and Enhance Response Efforts of the Maine Emergency Management Agency** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A BARTLETT	ONTP	

This bill establishes a fee on natural gas transported by pipeline in the State. Revenue from the fee must be deposited in the Emergency Response Commission Fund to be used by the Maine Emergency Management Agency in support of planning and training for local emergency response to hazardous material incidents. The bill

authorizes the transfer of money from the Emergency Response Commission Fund to the Maine Hazardous Waste Fund for the purpose of paying costs related to hazardous material emergency response incurred by the Department of Environmental Protection. The bill also authorizes transfers to the Uncontrolled Sites Fund to be used by the Department of Environmental Protection to carry out its responsibilities related to the oversight of uncontrolled hazardous substance sites. The bill authorizes the Commissioner of Environmental Protection to take enforcement action against facilities with hazardous materials that fail to register with the Maine Emergency Management Agency as required under the Maine Revised Statutes, Title 37-B, chapter 13, subchapter 3-A.

LD 1794 **An Act Regarding Solid Waste Facilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This bill 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 person holding the commercial solid waste facility license. 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.

LD 1796 **Resolve, Regarding Legislative Review of Chapter 881: Fees; Chemical Use in Children's Products, a Major Substantive Rule of the Department of Environmental Protection** **RESOLVE 194 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-740

This resolve provides for legislative review of Chapter 881: Fees; Chemical Use in Children's Products, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-740)

The amendment authorizes final adoption of Chapter 881: Fees; Chemical Use in Children's Products until February 1, 2013. The amendment also requires the Department of Environmental Protection to examine the first two years of experience regarding fees assessed under the rule and submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by February 1, 2013. Following its review of the report, the committee is authorized to submit a bill regarding fees related to chemical use in children's products to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2009, chapter 194 authorizes final adoption of Chapter 881: Fees; Chemical Use in Children's Products until February 1, 2013. It also requires the Department of Environmental Protection to examine the first two years of experience regarding fees assessed under the rule and submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by February 1, 2013. Following its review of the report, the committee is authorized to submit a bill regarding fees related to chemical use in children's products to the First Regular Session of the 126th Legislature.

Resolve 2009, chapter 194 was finally passed as an emergency measure effective April 1, 2010.

LD 1797 **An Act Regarding Planning for the Management of Solid Waste** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This bill moves the responsibility for preparing the state solid waste management and recycling plan and staffing the Solid Waste Management Advisory Council from the Executive Department, State Planning Office to the Department of Environmental Protection.

LD 1818 **Resolve, To Continue Evaluating Climate Change Adaptation Options for the State** **RESOLVE 195**

Sponsor(s)	Committee Report	Amendments Adopted
		S-467 GOODALL

This bill directs the Department of Environmental Protection with a stakeholder group to continue to evaluate the options and actions available to Maine people and businesses for adapting to the most likely impacts of climate change pursuant to Resolve 2009, chapter 16. It requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters in 2011 and 2012 and authorizes the committee to submit a bill relating to each report to the 125th Legislature.

Senate Amendment "A" (S-467)

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit a bill to the 125th Legislature.

Enacted Law Summary

Resolve 2009, chapter 195 directs the Department of Environmental Protection with a stakeholder group to continue to evaluate the options and actions available to Maine people and businesses for adapting to the most likely impacts of climate change pursuant to Resolve 2009, chapter 16. It requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters in 2011 and 2012.

LD 1827 **Resolve, To Review the Waste Motor Oil Disposal Site Remediation Program** **RESOLVE 211**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN J L GOODALL	OTP-AM	H-822

This bill amends the premium on motor oil to raise additional revenue for deposit in the Waste Motor Oil Revenue Fund. Currently, the premium is $1.10 per gallon for bulk quantities of gasoline engine oil and 35¢ for diesel engine oil or prepackaged motor oil, oil sold in containers of 5 gallons or less. The bill increases the premium on prepackaged motor vehicle oil to $1.10 per gallon. The bill also repeals definitions of the terms "diesel engine bulk motor vehicle oil" and "gasoline engine bulk motor vehicle oil," the effect of which is to expand the applicability of the premium to all motor oil grades. The bill provides for a rebate of the premium paid for prepackaged motor vehicle oil that is stored in the State, and then sold out-of-state. The bill authorizes the Finance Authority of Maine to directly reimburse the Department of Environmental Protection for its costs to clean up the Presque Isle waste motor oil disposal site. The bill directs the Finance Authority of Maine to pay proceeds of the revenue obligation securities issued under the Waste Motor Oil Disposal Site Remediation Program first to responsible parties at the Plymouth waste motor oil disposal site and then to the department for clean-up costs at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites in that order. The bill authorizes the Finance Authority of Maine to reimburse the Maine National Guard for its share of response costs at the Plymouth waste motor oil disposal site. The bill allows the State Tax Assessor to disclose to the Department of Environmental Protection and the Finance Authority of Maine the names of each motor vehicle oil dealer who paid the required premium of motor oil sales.

Committee Amendment "A" (H-822)

This amendment replaces the bill with a resolve. The amendment requires the Department of Environmental Protection to coordinate a review of the waste motor oil disposal site remediation program under the Maine Revised Statutes, Title 10, chapter 110, subchapter 1-F. The review must include the participation of a stakeholder group. The amendment requires the department to submit a written report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by December 1, 2010.

Enacted Law Summary

Resolve 2009, chapter 211 requires the Department of Environmental Protection to coordinate a review of the waste motor oil disposal site remediation program under the Maine Revised Statutes, Title 10, chapter 110, subchapter 1-F. The review must include the participation of a stakeholder group. Chapter 211 requires the department to submit a written report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by December 1, 2010.

Joint Standing Committee on Natural Resources

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Air quality

Enacted

LD 1662	**An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas**	**PUBLIC 604**

Air quality - Woodstoves

Enacted

LD 1575	**An Act To Establish a Residential Wood Stove Replacement Fund**	**PUBLIC 653**

Climate change

Enacted

LD 891	**Resolve, To Develop Practices for Developments of State and Regional Significance in Order To Reduce Dependency on Fossil Fuels and Meet the State's Greenhouse Gas Emissions Reduction Goals**	**RESOLVE 206**
LD 1818	**Resolve, To Continue Evaluating Climate Change Adaptation Options for the State**	**RESOLVE 195**

Not Enacted

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**	**ONTP**

Coastal waters

Enacted

LD 1693	**Resolve, Regarding a Report on the Status of Federal Ship Ballast Water Discharge Rules**	**RESOLVE 198**

Consumer products

Enacted

LD 1631	**An Act To Provide Leadership Regarding the Responsible Recycling of Consumer Products**	**PUBLIC 516**

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Enacted

LD 1538	**An Act To Close Loopholes in Environmental Laws**	**PUBLIC 537**
LD 1603	**An Act To Amend Laws Administered by the Department of Environmental Protection**	**PUBLIC 501**

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Enacted

LD 1699	**An Act To Update and Modernize Maine's Floodplain Mapping**	**PUBLIC 522 EMERGENCY**

Fuels

Enacted

LD 1632	**Resolve, Regarding Biofuel in Number 2 Heating Oil**	**RESOLVE 210**
LD 1760	**Resolve, Concerning the Proper Disposal of Motor Fuels Containing Ethanol**	**RESOLVE 201**

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Enacted

LD 1742	**Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Department of Health and Human Services**	**RESOLVE 164 EMERGENCY**

Hazardous material

Not Enacted

LD 1793	**An Act To Stabilize Funding for Hazardous Material Emergency Response by the Department of Environmental Protection and Enhance Response Efforts of the Maine Emergency Management Agency**	**ONTP**

Mercury

Enacted

LD 1775	**An Act To Amend Mercury Stack Testing Requirements for Certain Air Emission Sources**	**PUBLIC 535**

Natural Resources Protection Act

Enacted

LD 1518	**Resolve, Regarding Legislative Review of Section 16 Activities in Coastal Sand Dunes, a Major Substantive Rule of the Department of Environmental Protection**	**RESOLVE 167 EMERGENCY**

Oils - Waste motor oil

Enacted

LD 1827	**Resolve, To Review the Waste Motor Oil Disposal Site Remediation Program**	**RESOLVE 211**

Site location of development

Enacted

LD 1787	**An Act To Provide for Legislative Review of Recently Proposed Revisions to Certain Rules Adopted Pursuant to the Site Location of Development Laws and the Storm Water Management Laws**	**PUBLIC 602 EMERGENCY**

Solid waste

Not Enacted

LD 1633	**An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program**	**DIED ON ADJOURNMENT**
LD 1794	**An Act Regarding Solid Waste Facilities**	**ONTP**
LD 1797	**An Act Regarding Planning for the Management of Solid Waste**	**ONTP**

Toxic chemicals

Enacted

LD 1423	**An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses**	**PUBLIC 579**
LD 1568	**An Act To Clarify Maine's Phaseout of Polybrominated Diphenyl Ethers**	**PUBLIC 610**
LD 1796	**Resolve, Regarding Legislative Review of Chapter 881: Fees; Chemical Use in Children's Products, a Major Substantive Rule of the Department of Environmental Protection**	**RESOLVE 194 EMERGENCY**

Wastes

Enacted

LD 1716	**An Act To Expedite Rulemaking Concerning Agronomic Utilization of Sludge**	**PUBLIC 507**

Water quality

Enacted

LD 1553	**An Act To Facilitate Establishment of Watershed Districts**	**PUBLIC 506 EMERGENCY**
LD 1573	**An Act To Improve Water Quality through the Phaseout of Overboard Discharges and the Improvement of the Boat Pump-out Laws**	**PUBLIC 654**

Water quality - Stream crossings

Enacted

LD 1725	**Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection**	**RESOLVE 208**

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Not Enacted

LD 1577	**An Act Concerning the Establishment of Water Levels**	**ONTP**

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Enacted

LD 1526	**Resolve, Regarding Legislative Review of Portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a Major Substantive Rule of the Department of Environmental Protection**	**RESOLVE 149 EMERGENCY**
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