

Natural Resources

PUBLIC 5 An Act to Ensure Full Disclosure of the Source of Water Sold in Containers LD 21

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

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

PUBLIC 6 An Act to Change the Reporting Requirements for the Mercury Switch Removal Program LD 385

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

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

PUBLIC 121 An Act To Manage Water Resources LD 491

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

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

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PUBLIC 127 An Act To Clarify the Use of Municipal Rate of Growth Ordinances LD 531

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

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

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

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

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

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

PUBLIC 130 An Act Concerning the Adoption of Coastal Sand Dune Rules LD 696
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	H-167
MARTIN		

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

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

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**PUBLIC 131 An Act To Clarify the Responsibilities of the Department of
Environmental Protection**

LD 564

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

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

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

LD 709

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

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

**PUBLIC 136 An Act Regarding the Development and Implementation of an
Eradication Plan for Invasive Aquatic Plants**

LD 707

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

Public Law 2003, chapter 136 authorizes the Department of Environmental Protection to study and develop a plan that includes the use of water level drawdown for the eradication of invasive aquatic plants. If the department determines that the plan is feasible, the department may implement the plan. Chapter 136 also authorizes the department to seek funding from private sources to support the development and implementation of the plan.

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

LD 596

<u>Sponsor(s)</u> BROMLEY RICHARDSON J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-72
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Public Law 2003, chapter 137 increases from \$100,000 to \$250,000 the limit within the Maine Coastal and Inland Surface Oil Clean-up Fund available for research and development. It also requires researchers who receive funds for research and development to use vessels based in the State as platforms when practicable.

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

LD 743

<u>Sponsor(s)</u> THOMPSON MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-185
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Public Law 2003, chapter 150 bans the disposal of cathode ray tubes, that are not already prohibited from disposal under the hazardous waste rules, in solid waste disposal facilities, beginning January 1, 2006. It also requires the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan, utilizing the concept of shared responsibility among manufacturers, distributors, retailers, consumers and other parties, for the collection and recycling of cathode ray tubes. The department must submit the recommended plan to the Joint Standing Committee on Natural Resources by January 30, 2004. The Joint Standing Committee on Natural Resources may report out legislation during the Second Regular Session of the 121st Legislature.

PUBLIC 165 An Act To Amend a Requirement Concerning Dioxin

LD 1403

<u>Sponsor(s)</u> DAIGLE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-169
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Public Law 2003, chapter 165 changes the date, from December 31, 2003 to December 31, 2004, by which a bleach kraft pulp mill that fails to meet fish-tissue sampling-result requirements for dioxin must demonstrate that its waste discharge is not the source of elevated dioxin in fish or be subject to potential enforcement action by the Department of Environmental Protection and requires that the demonstration be made annually thereafter. It also changes the date, from May 1, 2003 to February 16, 2004, by which the Commissioner of Environmental Protection and the Commissioner of Human Services must submit a comprehensive assessment on the progress in eliminating the discharge of dioxin from bleach kraft pulp mills in the State. It also deletes the requirement for the commissioners to submit annual progress reports.

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PUBLIC 221 An Act To Reduce Mercury Use in Measuring Devices and Switches

LD 1159

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

Public Law 2003, chapter 221 bans the sale of mercury switches, mercury relays and certain mercury-added measuring devices and instruments effective July 1, 2006. The ban does not apply to the sale of mercury switches or mercury relays used as replacement parts in existing manufacturing equipment, in other equipment or machinery in which the switch or relay is integrated with other components or if the use of the product is a federal requirement. Manufacturers and users of the targeted mercury-added products may apply to the Commissioner of Environmental Protection for an exemption from the sales prohibition. Chapter 221 authorizes the Commissioner of Environmental Protection to require individuals who receive an exemption to maintain records and submit reports. It also requires the Department of Environmental Protection to submit to the Joint Standing Committee on Natural Resources a plan to improve the collection of mercury-added thermostats. The Joint Standing Committee on Natural Resources is authorized to report out legislation relating to the collection of mercury-added thermostats during the Second Regular Session of the 121st Legislature. Chapter 221 also clarifies the scope of the prohibition on the sale of mercury-added thermostats enacted by Public Law 2001, chapter 620, section 1.

PUBLIC 226 An Act To Amend the Subdivision Laws

LD 1297

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

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

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

LD 443

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

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

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PUBLIC 231 An Act To Amend the Waste Management Laws Regarding the LD 188
Spreading of Sludge on Land

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

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

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

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

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

PUBLIC 245 An Act To Amend Certain Laws Administered by the Department LD 1547
of Environmental Protection

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

Public Law 2003, chapter 245 does the following:

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1. It corrects an inadvertent error and inconsistency created last session when the open burning statute was amended.
2. It increases the cap on allocations for the Board of Environmental Protection Fund within the Department of Environmental Protection from \$250,000 annually to \$325,000 annually to meet rising personnel salary and benefit costs for the next several years, including the filling of the Executive Analyst position in the past biennium, and a rise in operating costs, due to a modest increase in general workload from broader public involvement in the licensing and appeal processes, which has resulted in more frequent meetings of the board. The last increase in the allocation cap was in 1997.
3. It clarifies the statute governing the Department of Environmental Protection's enforcement authority. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. Municipalities consistently have 80K actions commenced by both certified nonlawyer code enforcement officers and town attorneys. The department has historically not had employees who are also licensed active members of the bar file cases on the department's behalf since the rule is ambiguous as to whether such a practice is appropriate. This change in the law makes clear that a department practice consistent with current municipal practices is appropriate.
4. It repeals the enabling language for the requirement of priority studies because the tasks described in the statute have been completed and the project is no longer active.
5. It clarifies that an action in court can not be determined to start at any point prior to compliance with court rules. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. There is ambiguity between the Maine Revised Statutes, Title 38, section 347-A and the Maine Rules of Civil Procedure, Rule 3 as to the point in time when an action in District Court should be considered to have been initiated.
6. It repeals the requirement of annual reporting to the Legislature by the Commissioner of Environmental Protection on unavoidable malfunctions.
7. It amends the statutes to change a hearing and reporting requirement concerning classification standards from once every 3 years to once every 4 years.
8. It amends the statutes to make the creation of a wetland compensation fee program optional rather than mandatory, specifically adds municipalities to the types of organizations that may create a wetland compensation fee program, deletes the mandatory annual reporting requirement for any such program and deletes the requirement that funds from such a program are turned over to the department if the department's authorization of that program is revoked.
9. It repeals the requirement of annual reporting to the Legislature on the wetlands compensation fee program.
10. It repeals the provision that repeals the wetland compensation fee program effective October 15, 2003.
11. It makes the changes necessary to extend the sunset date for coverage of oil spill cleanup costs by the Ground Water Oil Clean-up Fund. The fund covers cleanup costs for spills from aboveground or underground oil tanks. It extends the fund insurance program by 5 years to December 31, 2010.
12. It incorporates by reference the latest version of the federal regulations governing spill prevention and control at aboveground oil storage facilities. The purpose of this change is to ensure state and federal requirements are consistent with each other.

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PUBLIC 246 An Act To Expedite the Removal of Overboard Discharge

LD 1493

<u>Sponsor(s)</u> DAIGLE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-260
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Public Law 2003, chapter 246 does the following:

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

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14. It eliminates obsolete statutory language.
15. It restricts the Department of Environmental Protection's authority to require the installation of holding tanks on seasonal overboard discharges.
16. It deletes a section of law that provided for license terms prior to the State being delegated authority to issue permits under the Federal Water Pollution Control Act.

PUBLIC 257 An Act Regarding Riverine Impoundments

LD 1137

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

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

**PUBLIC 301 An Act To Require the Installation of Dental Amalgam Separator
Systems in Dental Offices**

LD 697

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER MARTIN	OTP-AM	H-274

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

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PUBLIC 308 An Act To Amend the Laws Governing Minimum Lot Size

LD 695

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

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

**PUBLIC 312 An Act To Amend the Laws Regarding Junkyards, Automobile
Graveyards and Automobile Recycling Businesses**

LD 1367

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON TURNER	OTP-AM	H-381

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

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

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

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

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

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

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

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PUBLIC 317 An Act To Reclassify Certain Waters of the State

LD 1529

<u>Sponsor(s)</u> COLWELL MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-373
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Public Law 2003, chapter 317 makes changes in the classification of waters of the state. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 121st Legislature on reclassifications that were proposed in LD 1529 but not included in chapter 317 and on defining and identifying subsistence fishing as a designated use for certain waters. It also provides for license limits for total residual chlorine and bacteria for existing discharges of wastewater on a segment of the Kennebec River in Augusta, retroactively to January 1, 2003.

**PUBLIC 318 An Act Concerning Storm Water Management
EMERGENCY**

LD 1570

<u>Sponsor(s)</u> MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-151
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Public Law 2003, chapter 318 amends Maine's storm water management law to extend the review period for applicants proposing to meet the standards by using structural means from 60 to 90 days. It allows the discharge of storm water to waters having a drainage area of less than 10 square miles if the discharge is in conformance with state and local requirements. It provides that certain discharge limitations do not apply to the discharge of storm water. It provides that storm water discharges to Class A waters must be in compliance with state and local requirements. It clarifies that material may not be deposited on the banks of Class A waters in any manner that makes transfer of pollutants into the waters likely.

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

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

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

LD 1515

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

Public Law 2003, chapter 338 requires contractors in the small container commercial trash hauling business to notify a customer with a contract containing an automatic renewal provision between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. It also limits the charge for early termination of a small container commercial trash hauling contract to a maximum of 3 times the current monthly charge. It also prohibits these contracts from requiring the customer to inform the contractor of the prices or terms offered by competitors. It also provides that these contract restrictions do not apply to current contracts. It also requires the Executive Department, State Planning Office to report on how changes in available disposal capacity have affected or are likely to affect disposal prices.

PUBLIC 373 An Act To Expedite the Drilling of Private Drinking Water Wells

LD 1604

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

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

PUBLIC 441 An Act To Ensure the Safety of Children Touring Incinerator Facilities

LD 693

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

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

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PUBLIC 457 An Act To Protect Public Health by Reducing Human Exposure to Arsenic

LD 1309

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

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

P & S 30 An Act To Fund Municipal Collection of Household Hazardous Waste

LD 1549

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

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

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

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The additional costs associated with administering this state cost share program to municipalities can be absorbed by the State Planning Office utilizing existing budgeted resources.

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

RESOLVE 14 *Resolve, Relating to the Consideration of the Cumulative Effect on Protected Natural Resources* **LD 242**

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

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

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

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

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

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

<u>Sponsor(s)</u> CLARK STANLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-283
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Resolve 2003, chapter 37 requires the Board of Environmental Protection, when adopting rules relating to protocols and procedures for evaluation of the resident biological community in water storage reservoirs, to recognize that water storage reservoirs are artificial and are not natural water bodies and to recognize and protect existing uses. It also requires the Department of Environmental Protection, when issuing licenses, permits and certifications prior to final adoption of the rules, to recognize that water storage reservoirs are artificial and are not natural water bodies and to ensure that the existing uses of water storage reservoirs are maintained and protected. It also provides that the goal of the rules or any license, permit or certification must be that the structure and function of the resident biological community that must be maintained in a water storage reservoir is the structure and function that would be expected to exist in a water storage reservoir with a drawdown of similar magnitude. It also defines "water storage reservoir."

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

<u>Sponsor(s)</u> MARTIN KOFFMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-107
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Resolve 2003, chapter 39 directs the Department of Environmental Protection to review and to recommend any needed changes to the bacteria criteria for Class B waters, the bacteria criteria and dissolved oxygen standard for Class C waters and the dissolved oxygen standard for estuarine and marine waters. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation on these issues to the Second Regular Session of the 121st Legislature.

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

<u>Sponsor(s)</u> ADAMS MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-207
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Resolve 2003, chapter 79 requires the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State. The department must submit the recommended plan to the Joint Standing Committee on Natural Resources by November 1, 2003.

Natural Resources

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

Natural Resources

RESOLVE 82 Resolve, To Protect High and Moderate Value Waterfowl and Wading Bird Habitats

LD 1234

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

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

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

LD 1626

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

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