

# *Natural Resources*

**PUBLIC 551      An Act To Amend Certain Laws Relating to Environmental Protection**

**LD 1655**

Sponsor(s)  
MARTIN  
KOFFMAN

Committee Report  
OTP-AM

Amendments Adopted  
S-390

Public Law 2003, chapter 551 makes the following changes to laws relating to environmental protection.

1. It reduces the frequency of reporting under the Clean Government Initiative.
2. It gives the department authority to license categories of subsurface discharges by rule when the discharges will not have a significant adverse effect on the quality or classification of groundwaters of the State.
3. It changes the frequency of a public hearing requirement to accord with minimum federal requirements concerning hearings related to the review of water quality standards.
4. It corrects an error in the existing statute governing the water quality classification of the Dennys River Basin by designating the correct bridge relative to the location of tidewaters.
5. It amends the "sand supply" standard in the Maine Revised Statutes, Title 38, section 480-D, subsection 7 by adding "or gravel" in order to make it consistent with the definition of "coastal sand dune systems" in Title 38, section 480-B, subsection 1.
6. It makes a claimant ineligible to receive 3rd-party damage payments from the Maine Coastal and Inland Surface Oil Clean-up Fund or the Ground Water Oil Clean-up Fund if the claimant caused the oil discharge that resulted in the damages or the claimant otherwise meets the definition of "responsible party" under Maine oil discharge law.
7. It authorizes the Commissioner of Environmental Protection to dismiss a claim for damages associated with an oil discharge if the claim is not timely filed, the claimant does not provide the information needed to process the claim or the claimant is found to be responsible for the discharge.
8. It provides that the discovery of oil in drinking water supplies, soil or other locations on the premises of an underground storage facility is evidence of a leak.
9. It allows operators of underground oil storage facilities to forego inventory analysis if the storage tanks are monitored for leaks by a method able to detect a product loss of 0.2 gallons or less per hour.
10. It repeals obsolete language governing bare steel underground oil storage tanks.
11. It deletes an incongruent reference in the law governing the sale of elemental mercury for manufacturing purposes.
12. It requires prior written consent from public water suppliers before chemical control agents are used on a waterbody that is a public water supply, regardless of whether watercraft use had been restricted for the waterbody due to the presence of invasive plants.

## *Natural Resources*

13. It exempts wastewater treatment plants from the licensing provisions for electrical installations.
14. It deletes references to the Maine Petroleum Association in the laws affecting the memberships of the Board of Underground Storage Tank Installers and the Fund Insurance Review Board.
15. It replaces a previously repealed definition of "hospital" in the section of law that exempts hospitals from the prohibition against new biomedical waste disposal facilities. It also exempts from the prohibition a group of hospitals acting through a hospital association.
16. It clarifies that prospective rules governing certain wastewater discharges will be designated as routine technical rules unless they are incorporated within a chapter of rules that are otherwise designated as major substantive rules.
17. It reduces the frequency with which the Mercury Products Advisory Committee must meet.

**PUBLIC 554      An Act Relating to the Consideration of the Cumulative Effects on    LD 1837**  
**Protected Natural Resources**

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

Public Law 2003, chapter 554 requires Tier 2 freshwater wetland projects to meet all of the standards under the Maine Revised Statutes, Title 38, chapter 3, Article 5-A according to the recommendations of the Department of Environmental Protection submitted pursuant to Resolve 2003, chapter 14.

**PUBLIC 567      An Act To Provide for the Safe Disposal of Household Hazardous    LD 1806**  
**Waste**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
CURLEY DAMON		OTP-AM		H-732

Public Law 2003, chapter 567 requires state agencies awarding grants or making discretionary investments under certain programs to give preference to a municipality that is part of a household hazardous waste collection region for the purpose of establishing collection centers to accept household hazardous waste for disposal by residents on a year-round basis.

**PUBLIC 574      An Act To Amend Water Quality Laws To Aid in Wild Atlantic      LD 1833**

# *Natural Resources*

## **Salmon Restoration**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN MARTIN	OTP-AM	H-731

Public Law 2003, chapter 574 allows discharges to Class AA and Class A waters if the waters are or once were populated by a distinct population segment of Atlantic salmon as determined pursuant to the federal Endangered Species Act. Under chapter 574, only 3 discharge licenses may be issued and the licenses may not be effective for more than 5 years from the date of issuance. Chapter 574 also requires the Atlantic Salmon Commission to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning the discharge licenses and the status of Atlantic salmon restoration in connection with those licenses.

## **PUBLIC 596      An Act To Provide Additional Financing for Costs Associated with      LD 1863 EMERGENCY      the Remediation of a Waste Oil Handling Facility Site in Plymouth**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN CARR	OTP-AM	S-449

Public Law 2003, chapter 596 specifies that money in the Waste Oil Clean-up Fund may be used for the costs of remedial design and a technical impracticability study in connection with the Plymouth waste oil site.

Public Law 2003, chapter 596 was enacted as an emergency measure effective April 6, 2004.

## **PUBLIC 604      An Act To Amend the Laws Governing Growth Management      LD 1668**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM      MAJ	H-759
BROMLEY	ONTP      MIN	H-766      KOFFMAN

Public Law 2003, chapter 604 requires a state agency, when awarding grants or making discretionary investments, to give preference first to municipalities that have received a certificate of consistency for a growth management program, then to municipalities that have adopted consistent comprehensive plans and consistent zoning ordinances and then to municipalities that have adopted consistent comprehensive plans. A municipality can not be penalized if it submitted a comprehensive plan, zoning ordinance or growth management program to the State Planning Office for review, the time for the office to respond has expired and the office has not provided its comments or findings to the municipality. Chapter 604 is effective July 1, 2005.

# Natural Resources

## PUBLIC 607 An Act Relating to Storm Water Management

LD 1866

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-441

Public Law 2003, chapter 607 exempts certain manure storage facilities from storm water management review. It also directs the Board of Environmental Protection to provisionally adopt rules to regulate storm water management by January 2, 2005 and directs the Department of Environmental Protection to submit a bill to the First Regular Session of the 122nd Legislature to resolve inconsistencies between those rules and the Maine Revised Statutes, Title 38, section 420-D.

## PUBLIC 622 An Act To Improve Subdivision Standards

LD 1617

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM MAJ	H-792
MARTIN	ONTP MIN	

Public Law 2003, chapter 622 prohibits a municipality or the Maine Land Use Regulation Commission from approving an application for a subdivision if the parcel has been harvested in violation of rules adopted by the Maine Forest Service to regulate liquidation harvesting. This prohibition ends 5 years from the date the parcel was purchased by the landowner responsible for the harvest. This provision takes effect on the same date that the Maine Forest Service rules become effective.

## PUBLIC 627 An Act To Amend the Laws Regarding Invasive Aquatic Species LD 1723

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-450
SAVIELLO		

Public Law 2003, chapter 627 does the following:

1. It provides that a person may not place a watercraft on inland waters without a lake and river protection sticker.
2. It adds the provision that a person who operates a watercraft on inland waters without a sticker commits a civil violation.
3. It removes the restriction that only warnings can be issued for sticker violations when there are other boating law violations.

## *Natural Resources*

4. It provides that a person commits a Class E crime if that person places or operates a watercraft on inland waters without a sticker after committing 3 or more violations of inland fisheries and wildlife laws within the last 5 years.
5. It provides that if a person operates, launches or removes a watercraft at a restricted access site or refuses inspection of a watercraft in violation of a surface use restriction order, that person commits a civil violation. If that person has committed 3 or more violations of Inland Fisheries and Wildlife laws within 5 years, that person commits a Class E crime.
6. It gives a municipality the option of appointing a harbor master to only enforce the invasive species laws.
7. It requires a person to remove aquatic plants or parts of plants from a vehicle, watercraft or trailer.
8. It allows the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to restrict access to an infested water body by issuing an emergency order. It also allows the commissioners to require inspections and cleaning of watercraft and trailers at sites identified in the order. Designated state boat inspectors must conduct the inspections.

**PUBLIC 629**      **An Act To Reduce Contamination of Breast Milk and the Environment from the Release of Brominated Chemicals in Consumer Products**      **LD 1790**

<u>Sponsor(s)</u> PINGREE DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-822
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Public Law 2003, chapter 629 prohibits the sale and distribution of new products that contain more than 1% of the "penta" or "octa" mixtures of polybrominated diphenyl ethers beginning January 1, 2006. It also provides that it is the intent of the Legislature to reduce the risk of the "deca" mixture of polybrominated diphenyl ethers by implementing risk management measures or by prohibiting the sale of products containing more than 1% of the "deca" mixture beginning January 1, 2008 if a safer, nationally available alternative is identified. It also requires the Department of Environmental Protection, with the Department of Human Services, Bureau of Health, to review relevant risk assessments in connection with brominated flame retardants and to annually submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report regarding the regulation of brominated flame retardants, including the nationwide availability of safer alternatives to the "deca" mixture. If, after reviewing the recommendations of the department, the committee determines that a safer alternative to the "deca" mixture is nationally available, the committee may report out legislation to implement risk management measures or to enact a prohibition on the sale and distribution of products containing the "deca" mixture.

**PUBLIC 637**      **An Act To Change the Point System for Clearing Vegetation Adjacent to Protected Natural Resources**      **LD 1858**

## *Natural Resources*

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-448
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Public Law 2003, chapter 637 amends the point system for clearing vegetation adjacent to protected natural resources pursuant to Joint Order 2004, S.P. 684. It changes the definition of "well-distributed stand of trees" by increasing the area from a 25-foot by 25-foot square area to a 25-foot by 50-foot rectangular area and by changing the rating system. It requires that no more than 50% of the points of a 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter. It also requires that existing vegetation under 3 feet in height and other ground cover and at least 5 saplings less than 2 inches in diameter at 4 1/2 feet above ground level for each 25-foot by 50-foot area must be retained. It also provides that rules adopted by the Board of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission pursuant to this Act are routine technical rules.

**PUBLIC 638      An Act To Prohibit the Sale of Gasoline Containing MTBE      LD 1870**

<u>Sponsor(s)</u> RINES HALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-793
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Public Law 2003, chapter 638 prohibits the sale of gasoline containing more than 1/2 of 1% by volume of the additive known as MTBE by January 1, 2007. It authorizes the Commissioner of Environmental Protection to issue an emergency order that waives the sales prohibition if necessary. It directs the Department of Environmental Protection to present a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the implementation and status of the sales prohibition by March 1, 2006. It deletes references in current statute to the State's goal of eliminating MTBE in gasoline by January 1, 2003. It moves a definition from one section of the Maine Revised Statutes, Title 10 to a more appropriate section.

**PUBLIC 640      An Act To Protect Health and the Environment by Improving the      LD 1901**  
**System for the Collection and Recovery of Mercury-added**  
**Thermostats**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-806
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Public Law 2003, chapter 640 prohibits a wholesaler from selling thermostats in the State unless the wholesaler acts as a collection site for thermostats that contain mercury either by participating in a manufacturer collection program or by disposing of the collected thermostats in accordance with universal waste rules adopted by the department.



## *Natural Resources*

**PUBLIC 661      An Act To Protect Public Health and the Environment by Providing LD 1892  
for a System of Shared Responsibility for the Safe Collection and  
Recycling of Electronic Waste**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    A	H-861
	ONTP       B	S-516    MARTIN
	OTP-AM    C	

Public Law 2003, chapter 661 establishes a system to provide for the collection and recycling of computer monitors and televisions in the State. Under the law, municipalities that choose to participate must ensure that computer monitors and televisions generated as waste from households within their jurisdictions are delivered to a consolidation facility.

Beginning in 2006, consolidation facilities are required to identify the manufacturer of computer monitors and televisions delivered to the facility and to transport those items to recycling and dismantling facilities.

Beginning in 2006, computer manufacturers and television manufacturers are responsible for the handling and recycling of computer monitors and televisions that are received at consolidation facilities and must pay for the operational costs of the consolidation facilities attributable to the handling of computer monitors and televisions.

Chapter 661 requires manufacturers of computer monitors and televisions to submit plans for the collection and recycling of computer monitors and televisions. It also establishes reporting requirements for manufacturers.

Chapter 661 also directs the Department of Environmental Protection to adopt rules that identify the criteria that consolidation facilities must use when determining the reasonable operational costs that are attributable to the handling of computer monitors and televisions. It also directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on whether the handling and recycling costs that are attributable to abandoned waste should be included in the reasonable operational costs of a consolidation facility.

**PUBLIC 663      An Act To Reclassify Certain Downeast Waters      LD 1891**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	H-791
	ONTP       MIN	

Public Law 2003, chapter 663 reclassifies certain Downeast waters that were proposed for reclassification by the Department of Environmental Protection during the First Regular Session of the 121st Legislature but were not included in the report of the Joint Standing Committee on Natural Resources during that session.

It also provides that when adopting water use standards the Department of Environmental Protection must take into account that it is not the Legislature's intent to prohibit all water use in those waters that are reclassified pursuant to Chapter 663.

## *Natural Resources*

**PUBLIC 664      An Act To Amend the Dissolved Oxygen Standard for Class C      LD 1899**  
**Waters**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	S-467
	OTP-AM    MIN	

Public Law 2003, chapter 664 amends the dissolved oxygen standard and the bacteria standard for Class C waters. It provides that dischargers to Class C waters that were issued final discharge licenses or water quality certificates prior to March 16, 2004 that are based on a 6.5 parts per million dissolved oxygen criterion must continue to be licensed using a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is lower. Final discharge licenses and water quality certificates that were not previously based on a 6.5 parts per million dissolved oxygen criterion must, after March 15, 2004, be based on a 6.5 parts per million dissolved oxygen criterion at a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is lower.

**RESOLVE 125      Resolve, Regarding the Sale of Batteries Containing Mercury      LD 1661**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	H-780
DAMON		

Resolve 2003, chapter 125 directs the Department of Environmental Protection to study the sale of batteries that contain mercury and to submit a report of its findings to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 14, 2005.

**RESOLVE 130      Resolve, Regarding Legislative Review of Chapter 355: Sand Dune      LD 1849**  
**EMERGENCY      Rules, a Major Substantive Rule of the Department of**  
**Environmental Protection**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-805

Resolve 2003, chapter 130 authorizes the adoption of Chapter 355: Sand Dune Rules until April 1, 2006 only if Chapter 355 is amended to provide that elevators that are required for compliance with the requirements of the federal Americans with Disabilities Act are exempt from the requirement that a new structure or addition to an existing structure may not be constructed on or seaward of a frontal dune. The rules must also be amended to

## *Natural Resources*

provide that elevators or ramps serving buildings required to comply with the federal Americans with Disabilities Act must be designed and constructed so as to minimize intrusion on the frontal dune. The Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings prior to finally adopting this rule. Chapter 130 directs the Commissioner of Environmental Protection and the Commissioner of Conservation to convene a meeting of stakeholders by May 15, 2004. It directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the progress of the sand dune stakeholder meetings and to submit draft revised sand dune rules and a statewide beach nourishment policy by January 17, 2005. It directs the Department of Environmental Protection to submit by January 16, 2006 to the joint standing committee of the Legislature having jurisdiction over natural resources matters recommendations on a state acquisition program, wildlife habitat management initiatives and removal of the existing prohibition of the use of outdated v-zone maps. It also directs the Department of Environmental Protection to provisionally adopt and submit to the Legislature revised sand dune rules by January 16, 2006.

Resolve 2003, chapter 130 was passed as an emergency measure effective April 14, 2004.