

Natural Resources

PUBLIC 523 An Act to Repeal the Retroactive Effect of Changes Made to the LD 2037
EMERGENCY Subdivision Laws

<u>Sponsor(s)</u> SNOWE-MELLO SAWYER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-835
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Public Law 2001, chapter 523 provides that only section 4 of Public Law 2001, chapter 359 was retroactive to June 1, 2001. All other sections of Public Law 2001, chapter 359 were effective on September 21, 2001, the general effective date for nonemergency legislation. During the First Regular Session of the 120th Legislature, "An Act to Implement the Recommendations of the Task Force to Study Growth Management" was enacted and signed into law as Public Law 2001, chapter 359. Public Law 2001, chapter 359, section 8 contained a retroactive application clause that made the entire law effective June 1, 2001.

Chapter 523 was enacted as an emergency measure effective March 12, 2002.

PUBLIC 533 An Act to Require Additional Transportation Information on the LD 2069
Maine Chemical Inventory Reporting Form

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-836
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Public Law 2001, chapter 533, requires that a person required to submit a Maine chemical inventory reporting form that includes information regarding a description of the manner in which chemicals are shipped to a facility must also include standard and alternate transportation routes taken through Maine. The law also requires that records held by the State Emergency Response Commission regarding standard and alternate transportation routes are confidential and therefore exempt from the public disclosure provisions of the freedom of access laws under the Maine Revised Statutes, Title 1, chapter 13, subchapter I. The law also allows the State Emergency Response Commission to provide those records to state, county or local emergency management agencies or officials, but requires those agencies or officials to hold those records as confidential.

PUBLIC 561 An Act Regarding the Deferment of Loan Repayments for LD 1849
Remediation of Waste Oil Sites

<u>Sponsor(s)</u> MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-458
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Public Law 2001, chapter 561 defers repayments of loans issued under the Plymouth waste oil loan program until the United States Environmental Protection Agency determines that construction of the final remedy is complete.

PUBLIC 575 An Act to Facilitate the Closure of Privately Owned Solid Waste LD 1897

Natural Resources

EMERGENCY Landfills

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAWYER	OTP-AM MAJ	S-465
DAIGLE	ONTP MIN	

Public Law 2001, chapter 575 provides the Department of Environmental Protection with discretion to use more than one financial assurance mechanism to provide for the closure and postclosure care of privately owned landfills. It also allows the department to substitute certain financial requirements for any of the financial assurance mechanisms allowed under the law.

Chapter 575 was enacted as an emergency measure effective March 28, 2002.

PUBLIC 576 An Act to Regulate Lead Smart Renovators and Lead Sampling LD 1936 **Technicians**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM MAJ	H-901
	ONTP MIN	

Public Law 2001, chapter 576, requires persons who are engaged in any renovation, remodeling, maintenance or repair project involving lead-based paint but who are not licensed to engage in lead-based paint activities to take reasonable precautions to prevent the release of lead to the environment. This law specifies that those reasonable precautions include the cleanup, removal and appropriate disposal of all visible lead-based paint debris generated by the project.

The law also states that activities that may result in the release of lead to the environment include, but are not limited to, removal of lead-based paint by using open-flame burning or torching, machine sanding or grinding without high-efficiency particulate exhaust control, uncontained hydro blasting or high-pressure washing, abrasive blasting or sandblasting without containment and high-efficiency particulate exhaust control and using heat guns operated above 1,100 degrees Fahrenheit.

PUBLIC 578 An Act to Encourage Regionalism in Municipal Growth LD 2094 **Management**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-951
	ONTP MIN	

Public Law 2001, chapter 578 implements a recommendation of the Joint Study Committee to Study Growth Management. It amends the comprehensive planning and land use regulation laws to add and amend definitions, particularly those related to growth, rural and transitional areas. It reinforces regional and municipal roles in

Natural Resources

growth management and more clearly enables multimunicipal planning efforts. (See Public Law 2001, chapter 667, Part H, which corrected a conflict between chapter 578 and chapter 592.)

PUBLIC 591 An Act to Clarify the Use of Municipal Rate of Growth Ordinances LD 2062

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-918
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Public Law 2001, chapter 591 requires any municipality that enacts a rate of growth ordinance to review that ordinance at least every 3 years.

PUBLIC 592 An Act to Authorize the Transfer of Development Rights LD 2049

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-912
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Public Law 2001, chapter 592 provides that a single municipality may enact a transfer of development rights program for the transfer of development rights within the municipality's boundaries. Two or more municipalities may only provide for the transfer of development rights between municipalities if the municipalities have entered into an interlocal agreement. (See Public Law 2001, chapter 667, Part H, which corrected a conflict between chapter 592 and chapter 578.)

PUBLIC 593 An Act Regarding Site Selection Criteria for Parking for State LD 2059
Facilities

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-916
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Public Law 2001, chapter 593 clarifies that site selection criteria for state facilities may require on-site parking only if it is necessary to meet critical program needs and to ensure reasonable access for agency clients and persons with disabilities. It also clarifies that employee parking that is within reasonable walking distance may be located off site. Finally, it requires the Department of Administrative and Financial Services to consult with the authorized bargaining agent of the employees if there is a change in employee parking at a state facility from on-site parking to off-site parking.

PUBLIC 605 An Act to Facilitate Compliance with Spill Prevention Requirements LD 2016
and Authorize Reimbursement for Certain Oil Spill Remediation
Expenses

Natural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRABTREE YOUNGBLOOD	OTP-AM MAJ ONTP MIN	H-945

Public Law 2001, chapter 605, grants the Department of Environmental Protection the authority to enforce federal oil spill prevention, or "SPCC," requirements for gas stations and bulk plants operated by oil distributors. The law sunsets the provisions relating to the Department of Environmental Protection's ability to enforce federal SPCC requirements on October 1, 2005 and increases the personal services cap on that fund from \$2,250,000 per year to \$2,900,000.

The law also requires the Commissioner of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 on the Department of Environmental Protection's enforcement of federal SPCC requirements required in the Maine Revised Statutes, Title 38, section 570-K, subsection 5. That report is to include the number of facilities inspected under that subsection; the number of spill prevention and control and countermeasure plans reviewed by the department under that subsection; the number, nature and result of any written communications submitted to the United States Environmental Protection Agency pursuant to that subsection; the number and result of all enforcement actions taken by the department for violations of that subsection; and an overview of the educational and technical assistance efforts undertaken by the department under that subsection. That report must also include a qualitative assessment of the department's effectiveness in implementing that subsection, including an assessment by the regulated community on the department's performance under that subsection.

The law also allows the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 122nd Legislature on any matter pertaining to the State's enforcement of federal SPCC requirements.

PUBLIC 613 An Act to Amend the Law Relating to Growth-related Capital LD 2071
Investments

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

Public Law 2001, chapter 613 implements a recommendation of the Joint Study Committee to Study Growth Management. It is intended to ensure that hospitals and other quasi-public facilities that use state or passed-through federal dollars are treated like other public entities regarding growth-related capital investments.

PUBLIC 614 An Act Regarding Workers' Compensation and Liability Immunity LD 2084
Coverage for Emergency Management Forces

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

Natural Resources

Public Law 2001, chapter 614 is the recommendation of the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials. It clarifies who may call out and be called out to assist with emergency management activities. It also clarifies who, while assisting with emergency management activities, may be deemed to be an employee of the State for purposes of immunity from liability and for purposes of workers' compensation coverage. It also changes the term "civil emergency preparedness" to "emergency management."

PUBLIC 618 An Act Regarding the Clearing of Vegetation in Areas Adjacent to LD 2179
EMERGENCY Protected Natural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> S-485 MARTIN
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Public Law 2001, chapter 618, changes the natural resources protection laws administered by the Department of Environmental Protection to provide the necessary statutory basis for major substantive rules to be adopted by the department that regulate the cutting and removal of vegetation, other than timber harvesting activities, in areas adjacent to protected natural resources.

PUBLIC 619 An Act to Require Major Water Users to Provide Public LD 1488
Information About Their Annual Water Withdrawals from Public
Water Resources

<u>Sponsor(s)</u> COWGER TREAT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-936
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Public Law 2001, chapter 619, requires annual water use reporting, beginning on December 1, 2003, by water users who use more than a specified threshold amount of water. A number of users are exempted from the reporting requirements, including dams and other nonconsumptive users, household users, public water systems, users who report water use under another state permit or licensing requirement, commercial or industrial storage ponds, off-stream and in-stream storage ponds and any water withdrawals made for fire suppression or other public emergency purposes. Users will report to the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Human Services or the Department of Environmental Protection, depending on the user's type of activity. The Commissioners of those departments are required to publish a list by January 1, 2003 indicating which users are required to report to which agency. Each commissioner may prescribe the form and manner of reporting, and reporting water use in ranges, rather than in specific gallons, is allowed. The law specifies that individual water use reports are confidential documents and are not public records under the State's freedom of access laws.

The Department of Environmental Protection is charged with reporting annually on the water use reporting requirement to the joint standing committee of the Legislature having jurisdiction over natural resources matters. That department's report must summarize usage on a regional basis and in a manner that does not disclose the identity of any individual user. In preparing its annual reports, the department is required to encourage and assist in establishing regional task forces with cooperating agencies to assess regional water use issues and options for

Natural Resources

addressing those issues and to solicit input on all aspects of the water use reporting programs from the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation and the Commissioner of Human Services. The report must also include all comments and recommendations received from those departments on those requirements.

The law also requires the Department of Environmental Protection to encourage and cooperate with state, regional or municipal agencies, boards or organizations in the development and adoption of regional or local water use policies that protect the environment from excessive drawdown of water sources during low-flow periods. The department shall encourage those entities, in developing those policies, to review previously adopted low-flow policies, such as those adopted by the Aroostook Water and Soil Management Board.

The law also directs the Board of Environmental Protection to adopt major substantive rules that establish water use standards for maintaining in-stream flows and GPA water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use. Water use standards must be based on the natural variation of flows and water levels and must allow for variances if use will still be protective of water quality within that classification. Those rules must be provisionally adopted by January 1, 2005 and submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters in the First Regular Session of the 122nd Legislature.

PUBLIC 620 An Act to Phase Out the Availability of Mercury-added Products LD 2004

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-925
MARTIN	OTP-AM MIN	H-953 MAYO

Public Law 2001, chapter 620, phases out over a 6-year period the sale or distribution of products that contain more mercury than a specified level. Fluorescent lamps containing more than 10 milligrams of mercury are prohibited after January 1, 2010. Products that contain mercury that are necessary to comply with federal or state health or safety requirements could be granted an exemption by the Department of Environmental Protection if the manufacturer proves that: an appropriate method exists for the collection, transportation and processing of the product at the end of its useful life; the use of the product is beneficial to the environment or protection of public health or safety; and no alternative to the mercury-added product exists. The law also bans the sale of mercury-added thermostats after January 1, 2006, except for mercury-added thermostats used for manufacturing or industrial processes and thermostats used by a blind or visually impaired person. A process is created allowing the Commissioner of Environmental Protection to allow for exemptions to the prohibition for manufacturers who demonstrate the existence of a recycling program for the mercury-added thermostats and that the use of the mercury-added thermostats provides a net benefit to the environment, public health or public safety.

The law also directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003 on the product notification data received by the department by that date under the requirements of existing law. That report must also include recommendations on a comprehensive strategy to reduce the mercury content of products with the goal of maximizing the reduction of mercury emissions to the environment and any legislation necessary to implement those recommendations. The committee is given the authority to report out legislation to the First Regular Session of the 121st Legislature to implement recommendations included in this report.

Natural Resources

PUBLIC 621 An Act to Provide Incentives for Multimunicipal Development LD 2061

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
OTP-AM ONTP	MAJ MIN	H-944

Public Law 2001, chapter 621 amends the priorities for preferences for loans and grants from the Municipal Investment Trust Fund. It adds to the highest priority for these funds projects undertaken by 2 or more municipalities.

**PUBLIC 626 An Act to Amend Certain Laws Administered by the Department of LD 1964
EMERGENCY Environmental Protection**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN COWGER	OTP-AM	H-995 COWGER S-475

Public Law 2001, chapter 626 does the following:

1. It provides the option of appointing either an underground oil storage tank inspector, a 2nd underground oil storage tank installer or a member of the Maine Chamber and Business Alliance to one slot on the Board of Underground Tank Installers.
2. It extends the dioxin monitoring program from December 31, 2002 to December 31, 2007.
3. It requires the Department of Environmental Protection to publish a list of municipalities determined to have capacity, as provided in the site law's capacity exemption, by January 1st of each year and removes a requirement that on and after January 1, 2003, the Department of Environmental Protection presume that each municipality with a population of 5,000 or more has capacity as provided in the site law's capacity exemption.
4. It requires an underground oil storage facility to be registered with the Department of Environmental Protection at least 10 business days before the facility is installed.
5. It requires owners of underground oil storage tanks, upon registration of the tanks with the Department of Environmental Protection, to provide information on tank location as necessary to determine if the tank meets siting restrictions enacted during the First Regular Session of the 120th Legislature.
6. It requires owners of the underground oil storage tanks to provide a copy of the registration form to the municipality.
7. It eliminates redundant wording in the law governing certification of fire-fighting personnel to remove underground oil storage tanks.

Natural Resources

8. It clarifies municipal responsibility for post-closure maintenance of closed landfills.
9. It allows the Commissioner of Environmental Protection to waive the fees on transport of hazardous waste when the fee is too small in relation to the cost of collecting it.
10. It exempts manufacturers of products that contain one or more mercury-added components from the need to notify the Department of Environmental Protection as to the amount of mercury in the components if that information is provided by the component manufacturer.
11. It corrects an error from the First Regular Session of the 120th Legislature in which the authorization for agents of the Department of Inland Fisheries and Wildlife to keep \$1 for each lake and river protection sticker sold was inadvertently omitted from the enacted law. Since those lake and river protection stickers were available for purchase as of January 1, 2002, this law also makes that authorization to keep \$1 per sticker retroactive to that date. The law also exempts motorboats owned by federal, state or local governments from the fee for the lake and river protection stickers.
12. It clarifies that the open burning of wood wastes and painted and unpainted wood from construction and demolition debris is not prohibited and that a burn permit is required for burning wood waste in incinerators smaller than 1,000 gallons and clarifies that an air emission license is not required for incinerators smaller than 1,000 gallons that burn only wood waste. This law also clarifies that the prohibition on backyard burning does not apply to packages that previously contained explosives that are being disposed of under the supervision of the State Fire Marshal.
13. It adds a provision prohibiting adding water to a well except by licensed well drillers and licensed bulk water transporters and for aquifer recharges conducted in accordance with existing rules of the Department of Environmental Protection. Exceptions to this prohibition are provided for monitoring wells, wells constructed exclusively for the relief of artesian pressure at hydroelectric projects, wells constructed for temporary dewatering purposes and wells constructed for the purposes of extracting oil, gas or brine.
14. It provides for a reduced period of time for notices of asbestos removal that are delivered to the Department of Environmental Protection in person and allows the department to further reduce the notification period if necessary to protect human health or the environment.

PUBLIC 648

**An Act to Establish the Community Preservation Advisory
Committee**

LD 2070

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-950 S-542 GOLDTHWAIT
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Public Law 2001, chapter 648 establishes the Community Preservation Advisory Committee as an ongoing entity to advise the Governor, the Legislature and the State Planning Office on matters relating to community preservation. The committee membership includes the Director of the State Planning Office, Legislators, the Director of the Maine Historic Preservation Commission and public members. Staff is provided by the State Planning Office and the Legislative Council may provide drafting assistance with recommended legislation.

Natural Resources

The Maine State Housing Authority is directed to provide compensation, with existing budgeted resources, for public members of the committee who are not otherwise reimbursed for their service on the committee.

PUBLIC 649 An Act to Establish the Maine Library of Geographic Information LD 2116

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-952
	ONTP MIN	S-552 GOLDTHWAIT

Public Law 2001, chapter 649 creates the Maine Library of Geographic Information and the Maine Library of Geographic Information Board.

PUBLIC 651 An Act Relating to Subdivision Review and Title Search Procedures LD 2119

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-472
	OTP-AM MIN	S-487 MARTIN

Public Law 2001, chapter 651 places limits on the ability of municipalities to modify the definition of "subdivision. It provides that a municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in state law. If, at the time this Act takes effect, a municipality has a definition of "subdivision" that conflicts with the statutory definition of "subdivision," that municipality must file its conflicting definition of "subdivision" at the registry of deeds by June 30, 2003 and must comply with the requirements of the statutory definition by January 1, 2006. A definition filed at the registry of deeds must be collected and indexed in a separate book in the registry of deeds. Chapter 651 also removes the 40-acre lot exemption to the definition of "subdivision," except that a municipality may affirmatively elect not to count 40-acre lots as lots for purposes of subdivision review.

PUBLIC 656 An Act to Prevent Mercury Emissions when Recycling and LD 1921 Disposing of Motor Vehicles

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ	S-476
COWGER	OTP-AM MIN	S-535 MARTIN

Public Law 2001, chapter 656 requires automobile manufacturers to establish a statewide system to collect, consolidate and recycle the mercury switches removed from motor vehicles with the goal of collecting and recycling at least 90 pounds of mercury per year from mercury switches removed from motor vehicles. Under this law, persons who handle motor vehicles at the end of the vehicles use are responsible for removing mercury switches and headlamps before the vehicles are crushed for recycling. The program allows for the voluntary

Natural Resources

removal of switches from a vehicle still in use by persons trained by the Department of Environmental Protection. Persons who bring mercury switches to a consolidation facility are entitled to receive \$1 for each switch, funded by the automobile manufacturers. The Department of Environmental Protection is responsible for providing training on universal waste rules as necessary to ensure the safe removal and proper handling of mercury switches, to design and distribute stickers required to be affixed to a motor vehicle if the switches are removed from a vehicle still in use and to provide public education materials. The law prohibits automobile manufacturers from establishing consolidation facilities for the collection of mercury switches at new or used car dealerships and requires automobile manufacturers doing business in the State to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any fee collected on new car sales that is used to pay for the manufacturer's responsibilities under the mercury switch collection program. The law also prohibits manufacturers of motor vehicles from requiring a person who removes mercury switches from segregating the switches by manufacturer.

The law also allows the Board of Environmental Protection to revise universal waste rules as necessary to establish standards for handling mercury switches as universal waste and requires the Department of Environmental Protection to report to the Legislature's Mercury Products Advisory Committee on the program, beginning on January 1, 2005.

PUBLIC 670 **An Act to Restrict the Availability of Products with Excessive** **LD 1944**
EMERGENCY **Levels of Arsenic**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-937
MARTIN	OTP-AM MIN	

Public Law 2001, chapter 670 allows the Department of Agriculture, Food and Rural Resources to require additional information when registering fertilizers and expands what is considered an adulterated commercial fertilizer to include fertilizers containing deleterious or harmful substances in sufficient amount to render them injurious to beneficial plant life, animals, humans, aquatic life, soil or water. This law also requires the Commissioner of Agriculture, Food and Rural Resources to adopt routine technical rules within 90 days after the effective date of this bill that list the information that may be required by the department when registering fertilizer and that list the type and amounts of substances that are considered deleterious in adulterated commercial fertilizers. The department must submit those rules in January of 2003 to the joint standing committee of the Legislature having jurisdiction over agricultural matters. That committee is authorized to report out legislation on matters pertaining to the information that may be requested by the department when registering fertilizers or pertaining to adulterated commercial fertilizers.

This law also states that changes to the agricultural laws pertaining to registering fertilizers and to the definition of adulterated fertilizers may not be construed to limit the authority of the Department of Environmental Protection to regulate the agronomic utilization of residuals under its laws or its rules.

PUBLIC 673 **An Act to Revise the Definition of Affordable Housing** **LD 2099**

Natural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1075
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Public Law 2001, chapter 673 amends the definition of affordable housing in the growth management laws.

PUBLIC 695 An Act to Include all State-supported Institutions of Higher LD 2145
Education in the Clean Government Initiative

<u>Sponsor(s)</u> BAKER TREAT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1047
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Public Law 2001, chapter 695 expands the Clean Government Initiative to apply to the University of Maine System, the Maine Maritime Academy and the Maine Technical College System. Under current law, the Clean Government Initiative assists state agencies in meeting applicable environmental compliance requirements and incorporating environmentally sustainable practices into state government functions. The law also requires the state-supported institutions of higher learning to utilize existing budgeted resources to meet the requirements of the initiative, except that the University of Maine System is not expected to expend more than \$300,000 of its existing budgeted resources to meet the provisions regarding auditing for compliance with state and federal environmental laws. Additional funds needed to comply with those audit provisions, in excess of the first \$300,000 of existing budgeted resources, must be requested by the Chancellor of the University of Maine System in the biennial report of the directors of the initiative.

RESOLVE 93 Resolve, to Study the Design and Funding of a Household LD 1974
Hazardous Waste and Universal Waste Collection Program

<u>Sponsor(s)</u> COWGER MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-913
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Resolve 2001, chapter 93 directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2003 on the feasibility and design of a funding mechanism for the operational costs of a statewide household hazardous waste and universal waste collection program. It also allows the committee to report out legislation establishing and funding such a program to the First Regular Session of the 121st Legislature.

RESOLVE 97 Resolve, Regarding Legislative Review of Amendments to Chapter LD 2076
305, Permit by Rule Standard and Chapter 310, Wetland Protection
Regarding Cutting and Removal of Vegetation, Major Substantive
Rules of the Department of Environmental Protection

Natural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-920
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Resolve 2001, chapter 97, requires the Board of Environmental Protection to amend its provisionally adopted major substantive rules regarding the cutting and removal of vegetation adjacent to protected natural resources to remove unnecessary language. The law also directs the Department of Environmental Protection and the Maine Land Use Regulation Commission to evaluate the point system used by those agencies to define what constitutes a well-distributed stand of trees within a vegetative buffer between development and a regulated water body and to jointly report the results of that evaluation to the Joint Standing Committee of the Legislature having jurisdiction over protected natural resources no later than January 15, 2003. It also adds a fiscal note to the resolve.

RESOLVE 98 **Resolve, Regarding Legislative Review of Portions of Chapter 10, LD 2095**
EMERGENCY **Section 17(A)(2), (3) and (6), Standards for the Clearing of**
Vegetation for Development, Major Substantive Rules of the Maine
Land Use Regulation Commission within the Department of
Conservation

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-919
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Resolve 2001, chapter 98, requires the Maine Land Use Regulation Commission to amend its rules to make the minimum setbacks between mineral extraction activities and regulated water bodies within the jurisdiction of the Maine Land Use Regulation Commission the same as those established in laws and rules administered by the Department of Environmental Protection.

RESOLVE 99 **Resolve, Regarding Legislative Review of Chapter 691, Section 3-A, LD 2117**
EMERGENCY **Siting Restrictions for New Facilities, a Major Substantive Rule of**
the Bureau of Remediation and Waste Management within the
Department of Environmental Protection

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-917
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Resolve 2001, chapter 99, requires that the rule be amended to state that the siting restrictions for new underground oil storage facilities contained in Section 3-A of the rules do not apply to new underground oil storage facilities that are registered and installed prior to August 1, 2002. The law also specifies that no additional hearings or other formal proceedings are required on this rule prior to the Board of Environmental Protection within the Department of Environmental Protection finally adopting the rule in accordance with this resolve.

Natural Resources

RESOLVE 123 Resolve, to Reduce Pollution of Androscoggin Lake by Repairing LD 1962
and Altering the Existing State-owned Barrier on Dead River in
Leeds

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE NUTTING J	OTP-AM	H-902 S-580 GOLDTHWAIT

Resolve 2001, chapter 123, provides the Department of Agriculture, Food and Rural Resources with \$40,000 to address emergency temporary repair issues at the state-owned dam on Dead River in the Town of Leeds, Androscoggin County. The law also provides the Department of Environmental Protection with \$20,000 to study the feasibility of and costs for options for permanent flood control structures on Dead River that eliminate or minimize the adverse environmental impacts to Androscoggin Lake resulting from polluted waters flowing into the lake from the Androscoggin River. The law also allows the Department of Environmental Protection to raise an additional \$15,000 for that study from local governments and private entities having an interest in Androscoggin Lake. The results of that study are to be reported by January 1, 2003 to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The committee may report out emergency legislation to the First Regular Session of the 121st Legislature. The law also allocates funds from the Dam Repair and Reconstruction Fund for various projects pertaining to the Dead River in the Town of Leeds.

The law also prohibits the Department of Agriculture, Food and Rural Resources from removing or seeking to remove the state-owned dam on Dead River in Leeds, Androscoggin County until the results of the Department of Environmental Protection study are known.

RESOLVE 125 Resolve, Regarding Legislative Review of Chapter 296: Patient LD 2140
Brochure and Poster on Dental Amalgam and Alternatives, a Major
Substantive Rule of the Department of Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1046 S-628

Resolve 2001, chapter 125 authorizes the adoption of Chapter 296, a major substantive rule proposed by the Bureau of Health regarding a brochure and poster on dental amalgam and alternatives, provided that certain changes are made to the poster and the rule. The Resolve requires the Bureau of Health to print and distribute a copy of the brochure and poster to each dentist in the state and it requires the bureau to make a copy of the brochure suitable for downloading and printing available on its publicly accessible site on the Internet.