

Joint Standing Committee on Natural Resources

LD 1158

An Act To Protect Maine's Coastal Water

PUBLIC 650

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM MAJ ONTP MIN	S-429 S-497 MARTIN

LD 1158 proposed to establish commercial passenger vessel environmental compliance standards to provide for the terms and conditions of vessel discharges and monitoring and supervision of discharges from commercial passenger vessels through a registration system.

Committee Amendment "A" (S-429) was the majority report. The amendment proposed to do the following:

1. Clarify an existing statutory standard that discharging sludge is not allowed.
2. Provide an exemption for large and small commercial passenger vessels for the discharge of graywater. The exemption for large commercial passenger vessels would sunset January 1, 2006.
3. Exempt from regulation graywater discharges from small commercial passenger vessels. As proposed, the Department of Environmental Protection would report back to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2006 concerning further regulation of graywater discharges from small commercial vessels.
4. Require that large commercial passenger vessels report discharges of blackwater in violation of federal law outside no-discharge zones or any blackwater discharges within a no-discharge zone.
5. Require the reporting of unauthorized discharges of graywater from large commercial passenger vessels to the Department of Environmental Protection beginning in 2006.
6. Require large commercial passenger vessels to annually certify, beginning in 2006, that they will not discharge graywater or a mixture of graywater and blackwater to the coastal waters and will act according to an agreement with the State. If the owner of the vessel does not enter into an agreement with the State, the owner would be required to seek authorization and a license to discharge graywater or a mixture of graywater and blackwater.
7. Make a change specifically to exclude discharges from vessels from the prohibited class of "new discharges of domestic pollutants" untreated by a municipal facility.
8. Allow the Department of Environmental Protection to request authorization from the joint standing committee of the Legislature having jurisdiction over natural resources matters to apply to the federal Environmental Protection Agency for additional "no-discharge zone" designations in the future.
9. Require the Department of Environmental Protection to report back to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 concerning air emissions from vessels.

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Senate Amendment "A" to Committee Amendment "A" (S-497) proposed to amend Committee Amendment "A." The amendment proposed to prohibit the discharge of graywater or a mixture of graywater and blackwater to coastal waters by owners or operators of large commercial passenger vessels. Under the amendment, beginning January 1, 2006, a vessel that is equipped with an advanced wastewater treatment system may discharge graywater or a mixture of graywater and blackwater if the discharge complies with federal effluent standards and the owner or operator of the vessel complies with record-keeping and sampling and reporting requirements of federal law and is issued a general permit from the Department of Environmental Protection. The amendment also proposed to allow a large commercial passenger vessel that is equipped with a discharge system that requires continuous discharge to discharge graywater or a mixture of graywater and blackwater prior to January 1, 2006 if the vessel is authorized to discharge in Alaskan waters.

Enacted Law Summary

Public Law 2003, chapter 650 prohibits the discharge of graywater or a mixture of graywater and blackwater to coastal waters by owners or operators of large commercial passenger vessels. Beginning January 1, 2006, a large commercial passenger vessel that is equipped with an advanced wastewater treatment system may discharge graywater or a mixture of graywater and blackwater if the discharge complies with federal effluent standards and the owner or operator of the vessel complies with record-keeping and sampling and reporting requirements of federal law and is issued a general permit from the Department of Environmental Protection. Prior to January 1, 2006, a large commercial passenger vessel that is equipped with an advanced wastewater discharge system that requires continuous discharge may discharge graywater or a mixture of graywater and blackwater if the vessel is authorized to discharge in Alaskan waters.

Chapter 650 also directs the Department of Environmental Protection to submit to the Joint Standing Committee on Natural Resources a report concerning graywater discharges from small commercial passenger vessels and a report concerning air emissions from vessels.

LD 1617

An Act To Improve Subdivision Standards

PUBLIC 622

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

LD 1617 proposed to prohibit subdivisions that convert the primary use of the land from timberland to nontimberland use in situations when the land being subdivided has changed ownership in the 5 years preceding the subdivision application, when the subdivision would convert the primary use of the land from timberland to nontimberland use and when the subdivision exceeds 100 acres alone or in conjunction with other similar divisions created within 5 years out of the same parcel of land that resulted in conversion of the primary use of those subdivisions from timberland to nontimberland use. The bill would apply to subdivisions reviewed by the Maine Land Use Regulation Commission and to subdivisions reviewed by a municipal reviewing authority.

Committee Amendment "A" (H-792) was the majority report. The amendment proposed to replace the bill. It proposed to prohibit 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. As proposed, the prohibition would end 5 years from the date the parcel was

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purchased by the landowner responsible for the harvest. This provision would take effect on the same date that the Maine Forest Service rules become effective.

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Enacted Law Summary

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.

LD 1655

An Act To Amend Certain Laws Relating to Environmental Protection

PUBLIC 551

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KOFFMAN	OTP-AM	S-390

LD 1655 proposed to make the following changes to laws administered by the Department of Environmental Protection. It proposed to:

1. Reduce the frequency of reporting under the Clean Government Initiative;
2. Give 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. Change the frequency of a public hearing requirement to accord with minimum federal requirements concerning hearings related to the review of water quality standards;
4. Correct 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. Amend 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. Make 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. Authorize 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. Provide 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;

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9. Allow 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. Repeal obsolete language governing bare steel underground oil storage tanks;
11. Extend the sunset date of the department's authority to enforce federal requirements for spill prevention control and countermeasure plans at aboveground storage facilities;
12. Delete an incongruent reference in the law governing the sale of elemental mercury for manufacturing purposes; and
13. Require 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.

Committee Amendment "A" (S-390) proposed to:

1. Change the title of the bill;
2. Exempt wastewater treatment plants from the licensing provisions for electrical installations;
3. Delete 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;
4. Replace 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 proposed to exempt from the prohibition a group of hospitals acting through a hospital association;
5. Clarify 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;
6. Delete the provision in the bill that would extend from 2005 to 2010 the Department of Environmental Protection's authority to administer the aboveground oil storage tank spill prevention control and countermeasure plan program; and
7. Reduce the frequency with which the Mercury Products Advisory Committee must meet.

Enacted Law Summary

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.

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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.
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.

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LD 1661

Resolve, Regarding the Sale of Batteries Containing Mercury

RESOLVE 125

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

LD 1661 proposed to ban, after January 1, 2006, the sale in this State of novelties that contain batteries that contain mercury, such as light-up games, cards and adornments.

Committee Amendment "A" (H-780) proposed to replace the bill with a resolve. It proposed to direct 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.

Enacted Law Summary

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.

LD 1668

An Act To Amend the Laws Governing Growth Management

PUBLIC 604

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

LD 1668 proposed to require a state agency, when awarding grants or making discretionary investments, to give preference first to a municipality that has received a certificate of consistency for its growth management program and has adopted land use ordinances and a capital investment plan and 2nd to a municipality that has adopted land use ordinances and a capital investment plan consistent with its comprehensive plan.

Committee Amendment "A" (H-759), the majority report of the committee, proposed to require 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, then to municipalities that have adopted consistent comprehensive plans and then to municipalities that have adopted comprehensive plans. The amendment also proposed that a municipality could 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. The effective date of the proposed changes would be July 1, 2005.

House Amendment "A" to Committee Amendment "A" (H-766) proposed to change the preference for other state grants and investments as specified in Committee Amendment "A" by eliminating the requirement that the 2nd

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priority be given to a municipality that is implementing a capital investment plan and eliminating the 4th priority of a municipality that has adopted a comprehensive plan.

Enacted Law Summary

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.

LD 1723

An Act To Amend the Laws Regarding Invasive Aquatic Species

PUBLIC 627

<u>Sponsor(s)</u> MARTIN SAVIELLO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-450
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LD 1723 proposed to require the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to establish a program to monitor and inspect watercraft at public access points on lakes identified by the State as having invasive aquatic plants. Under the proposed bill, the departments would be jointly required to set times when these public access sites would be open for public use and inspection and the access sites would be secured during closed periods to prevent access. Under the bill, a person who failed to comply with the inspection process or failed to remove an aquatic plant from that person's watercraft, watercraft trailer or outboard motor upon the oral or written request of the inspector would be denied access to the lake until that person complied with the inspector's request. Under the proposal, it would be a Class E crime to use a closed access point or to fail to remove a suspicious aquatic plant from that person's watercraft upon the oral or written request of an inspector. Funding for the program would come from revenues derived from lake and river protection stickers issued under the Maine Revised Statutes, Title 12, section 13058.

Committee Amendment "A" (S-450) proposed to replace the bill and proposed to:

1. Change the title of the bill;
2. Provide that a person may not place a watercraft on inland waters without a lake and river protection sticker;
3. Add the provision that a person who operates a watercraft on inland waters without a sticker commits a civil violation;
4. Remove the restriction that only warnings can be issued for sticker violations when there are other boating law violations;
5. Provide 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;

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6. Provide 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;
7. Give a municipality the option of appointing a harbor master to only enforce the invasive species laws;
8. Allow a person to remove aquatic plants or parts of plants from a vehicle, watercraft or trailer; and
9. Allow 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 proposed to allow the commissioners to require inspections and cleaning of watercraft and trailers at sites identified in the order. Designated state boat inspectors would conduct the inspections.

Enacted Law Summary

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.
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.

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LD 1790

An Act To Reduce Contamination of Breast Milk and the Environment from the Release of Brominated Chemicals in Consumer Products

PUBLIC 629

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	OTP-AM	H-822

LD 1790 proposed to regulate the sale of products containing brominated chemicals, require clear labeling of products containing such chemicals and authorize the establishment of fees for the sale of products containing brominated chemicals.

Committee Amendment "A" (H-822) proposed to prohibit 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. The amendment also proposed to provide 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. The amendment also proposed to require 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 amendment proposed to authorize the committee to report out legislation to implement risk management measures or to enact a prohibition on the sale and distribution of products containing the "deca" mixture.

Enacted Law Summary

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.

Joint Standing Committee on Natural Resources

LD 1806

An Act To Provide for the Safe Disposal of Household Hazardous Waste

PUBLIC 567

<u>Sponsor(s)</u> CURLEY DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-732
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LD 1806 proposed to require municipal officials in each county to work together to designate an existing transfer station or recycling center in each county to accept household hazardous waste for disposal by residents of that county on a year-round basis. As proposed, the municipal officials may impose fees for the disposal of such household hazardous waste.

Committee Amendment "A" (H-732) proposed to require 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.

Enacted Law Summary

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.

LD 1833

An Act To Amend Water Quality Laws To Aid in Wild Atlantic Salmon Restoration

PUBLIC 574

<u>Sponsor(s)</u> KOFFMAN MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-731
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LD 1833 proposed to aid in the restoration of wild Atlantic salmon in the State by allowing discharges into state waters for the purpose of restoring rivers or tributaries to a state that is closer to their historically natural physical, chemical and biological qualities.

Committee Amendment "A" (H-731) proposed to clarify the exception proposed in the bill for discharges intended to improve the habitat of Atlantic salmon. The amendment proposed to allow 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 the amendment, only 3 discharge licenses could be issued and the licenses could not be effective for more than 5 years from the date of issuance. The amendment also proposed to require 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.

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Enacted Law Summary

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.

LD 1837

An Act Relating to the Consideration of the Cumulative Effects on Protected Natural Resources

PUBLIC 554

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1837 proposed to require 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.

Enacted Law Summary

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.

LD 1845

An Act To Amend the Bacteria Standard and Dissolved Oxygen Standard for Certain Waters

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 1845, which was based on the recommendations of the Department of Environmental Protection pursuant to Resolve 2003, chapter 39, proposed to amend the bacteria standard for Class B and Class C waters. It also proposed to amend the dissolved oxygen standard for Class SB and Class SC waters.

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LD 1849

Resolve, Regarding Legislative Review of Chapter 355: Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection

**RESOLVE 130
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-805

LD 1849 proposed to provide for legislative review of Chapter 355: Sand Dune Rules, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-805) proposed to authorize 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 amendment also proposed that the rules must also be amended to 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 amendment also proposed that the Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings prior to finally adopting this rule in accordance with this resolve. The amendment proposed to direct the Commissioner of Environmental Protection and the Commissioner of Conservation to convene a meeting of stakeholders by May 15, 2004 and it proposed to direct 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 proposed to direct 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 proposed to direct the Department of Environmental Protection to provisionally adopt and submit to the Legislature revised sand dune rules by January 16, 2006.

Enacted Law Summary

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 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

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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.

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

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
S-448

LD 1858 proposed to amend the point system for clearing vegetation adjacent to protected natural resources pursuant to Joint Order 2004, S.P. 684. It proposed to change 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. The bill also proposed to prohibit a landowner or lessee from aggressively eliminating all woody vegetation that exceeds 3 feet in height.

Committee Amendment "A" (S-448) proposed to require 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 proposed to require 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 proposed 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.

Enacted Law Summary

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.

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LD 1863

An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Handling Facility Site in Plymouth

**PUBLIC 596
EMERGENCY**

Sponsor(s)
MARTIN
CARR

Committee Report
OTP-AM

Amendments Adopted
S-449

LD 1863 proposed to specify that money in the Waste Oil Clean-up Fund may be used for the costs of remedial design and technical impracticability study in connection with the Plymouth waste oil site.

Committee Amendment "A" (S-449) proposed to add an emergency clause and an emergency preamble to the bill. The amendment also proposed to avoid a conflict with newly enacted Public Law 2003, chapter 537 by striking the section concerning remedial design and technical impracticability study and reformatting that provision as a unique subsection in the statutes.

Enacted Law Summary

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.

LD 1866

An Act Relating to Storm Water Management

PUBLIC 607

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
S-441

LD 1866 proposed to amend the laws relating to storm water management as recommended by the Department of Environmental Protection pursuant to Public Law 2003, chapter 318. It proposed to require that all projects subject to the storm water laws meet basic water quality protection standards. It proposed to set the permit threshold at one acre of disturbance. It proposed to regulate existing sources in the watershed of impaired waters where they are identified as significant contributors to the cause of impairment.

Committee Amendment "A" (S-441) proposed to replace the bill. It proposed to exempt certain manure storage facilities from storm water management review. It also proposed to direct the Board of Environmental Protection to provisionally adopt rules to regulate storm water management by January 2, 2005 and it proposed to direct 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.

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Enacted Law Summary

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.

LD 1870

An Act To Prohibit the Sale of Gasoline Containing MTBE

PUBLIC 638

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES HALL	OTP-AM	H-793

LD 1870 proposed to prohibit the retail sale of automobile gasoline containing MTBE.

Committee Amendment "A" (H-793) proposed to prohibit the sale of gasoline containing more than 1/2 of 1% by volume of the additive known as MTBE by January 1, 2007. It proposed to authorize the Commissioner of Environmental Protection to issue an emergency order that waives the sales prohibition if necessary. It proposed to direct 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 proposed to delete references in current statute to the State's goal of eliminating MTBE in gasoline by January 1, 2003 and it proposed to move a definition from one section of the Maine Revised Statutes, Title 10 to a more appropriate section.

Enacted Law Summary

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.

LD 1891

An Act To Reclassify Certain Downeast Waters

PUBLIC 663

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

LD 1891 proposed to reclassify 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

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report of the Joint Standing Committee on Natural Resources during that session. This bill was submitted pursuant to Public Law 2003, chapter 317.

Committee Amendment "A" (H-791) was the majority report. It proposed that the segment of Cathance Stream to be upgraded to Class AA in the bill is only the segment in Edmunds Township. It also proposed 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 in the bill.

Enacted Law Summary

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.

LD 1892 **An Act To Protect Public Health and the Environment by Providing** **PUBLIC 661**
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	

LD 1892 proposed to establish a system to provide for the collection and recycling of electronic devices in the State as recommended by the Department of Environmental Protection pursuant to Public Law 2003, chapter 150.

Under the bill as proposed:

1. Municipalities would be required to ensure that computer monitors and televisions generated as waste from households within their jurisdiction are delivered to a consolidation facility.
2. Beginning in 2006, consolidation facilities would be required to identify the manufacturer of computer monitors delivered to the facility and to transport those items to recycling and dismantling facilities. Beginning in 2012, consolidation facilities would be required to identify the manufacturer of televisions delivered to the facility and to transport those items to recycling and dismantling facilities.
3. Beginning in 2006, computer manufacturers would be responsible for the handling and recycling of computer monitors received at consolidation facilities and pay for the operational costs of the consolidation facility attributable to the handling of computer monitors. Beginning in 2012, television manufacturers would be responsible for the handling and recycling of all televisions received at consolidation facilities and pay for the operational costs of the consolidation facility attributable to the handling of televisions.

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4. Beginning in 2006 and ending on December 31, 2011, the State would be responsible for the cost of handling and recycling orphan waste computer monitors received at consolidation facilities and the State would be required to pay for the operational costs of the consolidation facility attributable to the handling of orphan waste computer monitors, costs for transportation from the consolidation facility to a licensed recycling and dismantling facility and the cost of recycling.
5. Manufacturers of computer monitors and televisions would be required to submit plans for the collection and recycling of computer monitors and televisions.
6. A fee would be set on the retail sale of televisions of \$6 for each unit sold. Collection of the fee would start January 1, 2005 and end January 1, 2012. The fee would be deposited into the Maine Solid Waste Management Fund to reimburse:
 - a. Consolidation facilities for expenses incurred prior to January 1, 2012 for operational costs, costs of transportation from the facilities to recycling and dismantling facilities and the costs of recycling;
 - b. Municipalities for expenses incurred prior to January 1, 2012 related to transportation from a municipal collection site to a consolidation facility, if the cost exceeds the current cost of transportation and disposal of an equivalent tonnage of that municipality's municipal solid waste; and
 - c. The Department of Environmental Protection for expenses it incurs for enforcement.

Committee Amendment "A" (H-861) was the majority report. The amendment proposed to replace the bill. The amendment proposed to establish a system to provide for the collection and recycling of computer monitors and televisions in the State.

Under the amendment, municipalities that choose to participate would be required to 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 would be 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 would be 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.

The amendment proposed to require manufacturers of computer monitors and televisions to submit plans for the collection and recycling of computer monitors and televisions. It also proposed to establish reporting requirements for manufacturers.

Committee Amendment "B" (H-862) was a minority report. The amendment proposed to replace the bill. The amendment proposed to provide that a manufacturer of computer monitors and televisions may implement and maintain its own collection and recycling system for computer monitors and televisions that it sells. Under the proposed amendment, if a manufacturer does not implement and maintain a collection system for the products it sells, a fee, as determined by the Commissioner of Environmental Protection, would be imposed on the retail sale of that manufacturer's computer monitors and televisions. A retailer would retain 3% of the fee as reimbursement for costs associated with the collection of the fee.

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Under the proposed amendment, a municipality would separate and identify computer monitors and televisions that are sold by a manufacturer that maintains its own collection and recycling system, transport those products to the manufacturer and document to the Department of Environmental Protection the products delivered. A municipality that chose to participate in this way would be eligible for reimbursement for certain expenses incurred related to the transportation of those products to the manufacturer or the manufacturer's consolidation facility. A municipality that did not choose to participate in this way would be required to otherwise provide for the disposal of computer monitors and televisions in accordance with all applicable federal, state and local laws.

Under the proposed amendment, a consolidation facility would be required to identify the number of computer monitors and televisions delivered to the facility and identify the products delivered that are sold by a manufacturer that maintains its own collection and recycling system. The facility must transport the products of a manufacturer that does not maintain its own collection and recycling system to a recycling and dismantling facility. The consolidation facility may invoice the State for the handling, transportation and recycling costs for the products of a manufacturer that does not maintain a collection and recycling system for its products. The consolidation facility may make arrangements with a manufacturer that maintains its own collection system for the expenses incurred by the facility in connection with that manufacturer's products that are delivered to the consolidation facility.

This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-516) proposed to make a correction to the date by which manufacturers must implement a plan for the collection and recycling of computer monitors and televisions. The amendment also proposed to direct 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. The amendment also proposed to direct 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.

Senate Amendment "B" to Committee Amendment "A" (S-537) proposed to correct the date by which manufacturers must implement a plan for the collection and recycling of computer monitors and televisions. The amendment also proposed to direct the Department of Environmental Protection to adopt major substantive 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. The amendment also proposed to direct the department 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 consolidation facilities. The amendment also proposed to authorize the committee to report out legislation to implement the recommendations made in the department's report. This amendment was not adopted.

Enacted Law Summary

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.

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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.

LD 1899

An Act To Amend the Dissolved Oxygen Standard for Class C Waters

PUBLIC 664

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

LD 1899 proposed to amend the dissolved oxygen standard and the bacteria standard for Class C waters.

Committee Amendment "A" (S-467) was the majority report. The amendment proposed to provide 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. Under the proposed amendment, 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.

Committee Amendment "B" (S-468) was the minority report. The amendment proposed to require all Class C waters to meet a 6.5 parts per million dissolved oxygen monthly average standard whenever the daily water temperature is equal to or less than 24 degrees centigrade or the ambient temperature of the water body, whichever is lower. This amendment was not adopted.

Enacted Law Summary

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

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critterion at a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is lower.

LD 1900

**An Act To Implement the Recommendations of the Community
Preservation Advisory Committee Regarding the State Planning
Office's Review of Growth Management Programs**

**PUBLIC 641
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	S-461
	OTP-AM B	
	OTP-AM C	

LD 1900 proposed to:

1. Clarify that growth management related financial aid contracts are allowed to extend beyond a single fiscal year;
2. Clarify that floodplain ordinances that comply with the Federal Flood Insurance Program are exempt from the requirement that ordinances must be consistent with a comprehensive plan;
3. Clarify that the term "under this subchapter" means consistency with the procedures, goals and guidelines established in the growth management law;
4. Provide that a comprehensive plan is valid for 15 years;
5. Amend notice requirements for follow-up public hearings that are held as a result of comments made at an initial public hearing;
6. Provide that the Executive Department, State Planning Office, if requested, may review certain ordinances to determine whether they are consistent with a comprehensive plan without requiring submission of all elements of a growth management program; and
7. Provide that an affirmative finding of consistency by the State Planning Office is required for a municipality to assert jurisdiction regarding state investments.

Committee Amendment "A" (S-461) was the majority report. It proposed that notice for any follow-up hearing concerning a proposed comprehensive plan for a municipality or multimunicipal region must be given as provided for in the Maine Revised Statutes, Title 1, section 406. It proposed to delete the requirement from the bill that a copy of proposed changes to a comprehensive plan must be available for public inspection at least 7 days prior to any follow-up hearing on the plan. It proposed to delete the requirement from the bill that a comprehensive plan is valid for 15 years. It also proposed to delete the provision in the bill that the State Planning Office makes the determination as to whether a zoning ordinance is consistent with a comprehensive plan for purposes of certain state development projects.

Committee Amendment "B" (S-462) was a minority report. It proposed to provide that only an initial public hearing on a proposed comprehensive plan must be posted at least 30 days before the hearing and that notice for

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any follow-up hearing must be given as provided for in the Maine Revised Statutes, Title 1, section 406. It proposed to delete the requirement from the bill that a comprehensive plan is valid for 15 years. It also proposed to delete the provision in the bill that the State Planning Office makes the determination as to whether a zoning ordinance is consistent with a comprehensive plan for purposes of certain state development projects. The difference between this report and the majority report is that this report did not propose to delete the requirement from the bill that a copy of proposed changes to a comprehensive plan must be available for public inspection at least 7 days prior to any follow-up hearing on the plan. This amendment was not adopted.

Committee Amendment "C" (S-463) was a minority report. The amendment proposed to delete the requirement from the bill that a copy of proposed changes to a comprehensive plan must be available for public inspection at least 7 days prior to any follow-up hearing on the plan. It proposed to delete the requirement from the bill that a comprehensive plan is valid for 15 years. It also proposed to delete the provision in the bill that the State Planning Office makes the determination as to whether a zoning ordinance is consistent with a comprehensive plan for purposes of certain state development projects. The difference between this report and the majority report is that this report did not propose to change the law requiring public hearings on proposed comprehensive plans. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 641 clarifies that growth management related financial aid contracts are allowed to extend beyond a single fiscal year. It clarifies that floodplain ordinances that comply with the Federal Flood Insurance Program are exempt from the requirement that ordinances must be consistent with a comprehensive plan. It clarifies that the term "under this subchapter" means consistency with the procedures, goals and guidelines established in the growth management law. It amends notice requirements for follow-up public hearings that are held as a result of comments made at an initial public hearing. It provides that the Executive Department, State Planning Office, if requested, may review certain ordinances to determine whether they are consistent with a comprehensive plan without requiring submission of all elements of a growth management program.

Public Law 2003, chapter 641 was enacted as an emergency measure effective April 14, 2004.

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

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-806
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LD 1901 proposed to require manufacturers of mercury-added thermostats sold in the State to participate in a collection and recycling program that includes establishing 100 collection centers in the State. The bill also proposed to require manufacturers of mercury-added thermostats sold in the State to annually report to the Department of Environmental Protection on the progress of the collection and recycling program. The bill also proposed to set a goal of collecting and recycling at least 90% of all mercury-added thermostats removed from buildings and set an interim target for removal of 100 pounds of mercury by December 31, 2005. Finally, the bill proposed to direct the Department of Environmental Protection to submit a report on the effectiveness of the collection and recycling program to the joint standing committee of the Legislature having jurisdiction over natural

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resources matters by January 30, 2006 and, if the target established in the bill is not met, to report on a plan for manufacturers to pay for each mercury-added thermostat returned to a collection center.

Committee Amendment "A" (H-806) proposed to replace the bill. The amendment proposed to prohibit 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.

Enacted Law Summary

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.

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