

MAINE STATE LEGISLATURE

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M
A 88

L.D. 658

DATE: 5-6-97

(Filing No. H-386)

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NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 487, L.D. 658, Bill, "An Act to Reduce MTBE in Maine Drinking Water"

Amend the bill by striking out the title and substituting the following:

'Resolve, Requiring the Department of Human Services to Establish a Maximum Contaminant Level for MTBE'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Sec. 1. Drinking water rules. Resolved: That the Commissioner of Human Services shall adopt rules establishing a maximum contaminant level for methyl tert-butyl ether, MTBE. The rules are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A and must be provisionally adopted and submitted to the Legislature for review no later than February 1, 1998. Notwithstanding Title 5, section 8072, subsection 3, those rules must be reviewed under Title 5, sections 8072, subsections 4 and 5 by the joint standing committee of the Legislature having jurisdiction over natural resources matters.'

Further amend the bill by inserting at the end before the summary the following:

'FISCAL NOTE

If the Department of Human Services adopts rules for maximum MTBE contaminant levels that exceed federal requirements, this

COMMITTEE AMENDMENT

2 type of rule change will represent a state mandate pursuant to
the Constitution of Maine and the department will be required to
4 fund at least 90% of the additional costs to local units of
government.

6 Depending on the levels of MTBE set by these rules, the
Ground Water Oil Clean-up Fund within the Department of
8 Environmental Protection may incur significant additional costs
beginning in fiscal year 1997-98 for cleaning up sites currently
10 contaminated with certain levels of MTBE. The amounts can not be
determined at this time. Any additional costs will place an
12 additional burden on the fund which has a projected shortfall of
\$20,000,000 in resources through fiscal year 1998-99.

14 In addition, changes in the allowable level of MTBE in
16 drinking water may result in insignificant increases of dedicated
revenue to the Ground Water Oil Clean-up Fund from cost recovery
18 from nontank owners.'

20 **SUMMARY**

22 This amendment replaces the bill and changes the title. The
24 amendment is a resolve that requires the Commissioner of Human
Services to adopt rules establishing a maximum contaminant level
26 for methyl tert-butyl ether, MTBE. The rules are major
substantive rules and must be submitted to the Legislature for
28 review no later than February 1, 1998. The amendment also adds a
fiscal note.