

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

LD 231

An Act to Establish Uniform Procedures and Standards for Administrative Consent Agreements

**PUBLIC 204
EMERGENCY**

SPONSOR(S)
MARSH

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-334

SUMMARY

This bill would have required the Board of Environmental Protection to adopt rules governing the initiation and negotiation of administrative consent agreements.

Committee Amendment "A" (H-334) replaces the bill. It requires the department to give alleged violators a notice of violation before initiating a civil, nonemergency action to enforce Title 38, a rule adopted under that Title or a license, permit or order issued under that Title. The notice would describe the violation; state the law, rule or other provision violated; and provide time periods within which the alleged violator should correct the action and respond to the notice. If the violation is minor, the department may state in the notice that it will not pursue further enforcement action if the person corrects the violation or in other appropriate circumstances, such as where corrective action is not needed.

After the notice has been given and the alleged violator has responded or the time for response has run out, the department may propose an administrative consent agreement to an alleged violator. The agreement would be reviewed and approved by the Attorney General's office before being mailed to the alleged violator. The amendment requires the department to send understandable written information with the proposed agreement, explaining: what the agreement is; what rights and responsibilities the alleged violator has with respect to the agreement; the department's procedures for handling agreements; factors the department used in setting the proposed penalty; the time period for response; and the option for the person to meet with department staff to discuss the agreement. The amendment also provides for revision of a proposed agreement under certain circumstances.

LD 243

An Act to Allow the Transfer of Surplus Lands from the State Nursery

**PUBLIC 335
EMERGENCY**

SPONSOR(S)
PEARSON

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-520 JACQUES
S-235

SUMMARY

This bill limits the sale of property at the state nursery to sale for agricultural or forestry purposes and provides that the proceeds are retained by the Maine Forest Service.

Committee Amendment "A" (S-235) requires the Maine Forest Service to transfer the radioactive waste site at the state nursery to the University of Maine and requires the university to accept the transfer. The amendment also adds a fiscal note and allocates the proceeds of the state nursery sale to specific uses such as construction of a helicopter shed and payment of a loan from the General Fund.

House Amendment "A" (H-520) amends the title and emergency preamble to clarify the scope of the bill.