

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

JULY 1993

Staff:

*Tim Glidden, Principal Analyst
Patrick Norton, Legislative Analyst
Deborah Friedman, Legislative Analyst*

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

MEMBERS:

**Sen. Mark W. Lawrence
Sen. Alton E. Cianchette
Sen. Margaret G. Ludwig*

**Rep. Paul F. Jacques
Rep. James Mitchell
Rep. James Reed Coles
Rep. Richard A. Gould
Rep. Virginia Constantine
Rep. Thomas E. Poulin
Rep. Jason D. Wentworth
Rep. Willis A. Lord
Rep. Malachi Anderson
Rep. John F. Marsh*

**Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
JULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
MARION HYLAN BARR
JON CLARK
LISA COPENHAVER
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
JILL IPPOLITI



JOHN B. KNOX
ROY W. LENARDSON
PATRICK NORTON
JANE ORBETON
MARGARET J. REINSCH
PAUL J. SAUCIER

JOHN G. KELLEY, RESEARCHER
DARLENE A. SHORES LYNCH, RESEARCHER
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL: (207) 287-1670
FAX (207) 287-1275

**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

SUMMARY

The bill would have prohibited the Board of Environmental Protection from adopting California's low-emission vehicle program and California's clean fuels program. See also LD 758.

LD 1064 An Act Concerning Plastic Holding Devices Used in Packaging

PUBLIC 341

SPONSOR(S)
BALDACCI
ALIBERTI

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-228

SUMMARY

This bill would have prohibited the sale of plastic holding devices that fail to decompose by photodegradation, chemical degradation or biodegradation within 6 months after exposure to the natural elements or are not reusable or recyclable. The bill would also have required manufacturers of holding devices that were not prohibited to submit a statement to the Commissioner of Agriculture, Food and Rural Resources that specifies the time it takes for the holding device to degrade or a plan that specifies how the holding devices will be reused or recycled.

Committee amendment "A" (S-228) replaced the bill. This amendment strikes the provision in law that would have prohibited the sale of products in containers connected by plastic rings or other plastic holding devices on and after October 1, 1993 and allows the sale of those products to continue until 90 days after adjournment of the Second Regular Session of the 116th Legislature. On that date, the wholesale sale of those products is prohibited. All retail sales of those products is prohibited 180 days after the adjournment of the Second Regular Session of the 116th Legislature. The amendment includes an exemption that allows pharmaceuticals, infant formula and medical food products to be sold in containers connected by plastic rings or other plastic holding devices.

The amendment also allows manufacturers and distributors of products sold in containers connected by plastic holding devices and anyone who has developed, or is developing, alternatives to plastic holding devices to report to the Joint Standing Committee on Energy and Natural Resources by March 1, 1994.

The amendment also allows the Joint Standing Committee on Energy and Natural Resources to report out legislation to the Second Regular Session of the 116th Legislature on any matter pertaining to plastic holding devices.

LD 1067 An Act to Allow the Use of Polystyrene Containers by Public Institutions under Certain Circumstances

PUBLIC 323

SPONSOR(S)
BERUBE

COMMITTEE REPORT
OTP-AM MAJ
ONTP MIN

AMENDMENTS ADOPTED
S-211

SUMMARY

This bill would have allowed schools or school administrative districts with an active polystyrene recycling program to use polystyrene containers in their food service programs.

Committee Amendment "A" (S-211) replaces the bill. It permits food services at public institutions to serve meals in or on polystyrene containers, provided they recycle the containers following use.

Satellite facilities at schools and "meals on wheels" programs continue to be exempt from the prohibition or limitation on the use of polystyrene containers.

LD 1083 An Act to Establish the Fund Insurance Review Board

**PUBLIC 363
EMERGENCY**

SPONSOR(S)

JACQUES
CIANCHETTE

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-615

SUMMARY

This bill establishes the Fund Insurance Review Board to administer the Ground Water Oil Clean-up Fund. The bill also makes aboveground storage tanks eligible for coverage by the fund and makes all tanks eligible retroactive to June 1, 1985. The bill extends the deadline for applying to the fund from 90 days after reporting a discharge to 180 days, requires the Board of Environmental Protection to hear appeals of denials for coverage at its next meeting after the denial, makes attorney fees and other costs of an appeal payable from the fund if the denial of coverage is overturned on appeal, clarifies that expenses of eligible persons must be paid directly from the fund not paid by the person and reimbursed from the fund, requires the State Fire Marshal to establish substantial compliance criteria for aboveground tanks and decreases the deductible payable by persons eligible for coverage by the fund.

Committee Amendment "A" (H-615) replaces the bill. Under the amendment, the new Fund Insurance Review Board will recommend policy regarding aboveground oil tank coverage under the fund and the citizen members of the Board will form an appeals panel to hear appeals from decisions of the Department of Environmental Protection and the State Fire Marshal regarding insurance aspects of the fund. The Board is composed of three public members, three persons representing the petroleum industry, the commissioner of DEP and the State Fire Marshal.

The amendment also changes the manner in which eligibility for coverage under the fund is determined. Currently, an underground oil storage tank owner is eligible if the person is in compliance with a list of criteria in the law. The amendment provides that the owner of an underground tank is eligible if the department finds that, considering all relevant circumstances, the person has substantially met the criteria contained in the law. For aboveground tanks, the review board will establish interim rules for determining eligibility, propose a permanent policy for determining eligibility and report on the program to the Legislature by January 15, 1994. At least until legislation is enacted to establish a different process, the State Fire Marshal will make eligibility determinations for aboveground tanks, in accordance with rules adopted by the Fund Insurance Review Board.

The amendment makes coverage of aboveground tanks retroactive to April 1, 1990 and permits owners of underground tanks who were denied coverage under current law to reapply and be considered for eligibility under the new standard for determining substantial compliance.

The amendment also reduces certain deductibles, includes attorney fees and other appeal costs in the costs eligible for coverage by the fund, changes the deadline for the DEP determining whether an application is complete from 14 days to 15 working days, extends the deadline for submitting an application from 90 days to 180 days, provides for a person to apply for coverage of costs if a site previously remediated requires further remediation, defines aboveground tank to exclude oil terminal facilities and propane tanks and to include household tanks, and provides that the commissioner of DEP shall pay clean-up expenses for an eligible person directly from the fund unless the person chooses to pay first and seek reimbursement from the fund. The Fund Insurance Review Board will be located administratively at the Finance Authority of Maine, and the Board may contract with the Authority for needed personal services.