

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

This bill also clarifies the Legislature's intent under the overboard discharge replacement program that the level of state funding is less for the replacement of seasonal residential discharges than for the replacement of year-round residential discharges. Currently, the law defines a seasonal overboard discharge as an overboard discharge from a human habitation occupied for less than 6 months in any calendar year.

Finally, the bill clarifies the overboard discharge relicensing law by adding language to include municipalities that provide the same sewerage services as sanitary and sewer districts to the provisions requiring the installation or use of wastewater holding tanks.

LD 1286 An Act to Amend the Laws Governing Aseptic Containers ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CLEVELAND	ONTP	

SUMMARY

This bill would have allowed aseptic containers to be sold in the State. The committee unanimously recommended an "ought not to pass" report. (See also LD 256 & 975)

LD 1290 An Act to Amend the Shoreland Zoning Laws CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ST. ONGE		

SUMMARY

This bill, which was carried over to the Second Regular Session, proposes to prohibit the Department of Environmental Protection from requiring towns to zone the areas around moderate value wetlands as resource protection in their shoreland zoning ordinances. Resource protection districts greater than 100 feet around high value wetlands would also prohibited.

This bill also proposes to require the Commissioner of Environmental Protection to set forth a definition of low, moderate and high value wetlands to be incorporated into the Maine Revised Statutes.

LD 1294 An Act to Ensure Implementation of the Federal Clean Air Act Amendments of 1990 PUBLIC 412

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARSH	OTP-AM	H-534 H-669 CHONKO

SUMMARY

This bill increases air emission license fees and imposes a toxicity surcharge on certain emissions effective November 1, 1993 to support DEP Air Bureau activities that are necessary to comply with the federal Clean Air Act Amendments of 1990. The bill also increases the maximum annual air emission license fee from \$100,000 to \$150,000, bases the fee for electrical generating systems on licensed allowable emissions rather than actual emissions, sets the anniversary date for annual fees, and provides that air emission license fees are to be used solely for air pollution control activities.

Committee Amendment "A" (H-534) delays the toxicity surcharge by one year, and requires the Commissioner of Environmental Protection to convene a study committee to review alternatives to the surcharge and to review the impact of the federal Clean Air Act on portions of the State that are in attainment of federal ozone standards. The amendment also changes the allocation section to reflect the delay of the surcharge.

House Amendment "B" (H-669) corrects the fiscal note and decreases by 6 cents the fee assessed on #6 fuel oil for payment into the Groundwater Oil Clean-up Fund. This decrease will reduce the transfer of funds to FAME and MSHA for loans and grants to assist in removal of underground oil tanks.

LD 1297 An Act to Amend Certain Laws Governing Solid Waste Management

**PUBLIC 378
EMERGENCY**

SPONSOR(S)
GOULD R A

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-535

SUMMARY

This bill would have made several changes to the laws governing solid waste management.

Committee amendment "A" (H-535) replaced the bill and made the bill an emergency.

The amendment repeals the repealer on the law that exempts facilities that combust mixed paper from the definition of solid waste disposal facilities; repeals the "300-foot law"; repeals the escrow closure account requirements under the Maine Revised Statutes, Title 38, section 1310-P; permits, rather than requires, an adjudicatory public hearing in solid waste disposal facility licensing proceedings; and requires laboratory analyses in support of solid waste facility licenses to be performed by qualified laboratories.

This amendment also eliminates the 5-year term of solid waste facility licenses issued under rules valid on or after May 24, 1989. Rather than being subject to relicensing every 5 years, those licenses remain valid for an indefinite period unless modified, suspended or revoked by the Board of Environmental Protection. The relicensing fee previously paid once every 5 years is replaced with an annual fee equal to 20% of the relicensing fee that would have applied to that facility. The annual fee does not become payable until the time the facility would have been required to be relicensed. A solid waste facility having a license issued before May 24, 1989 must be relicensed one time under those newer rules.

LD 1306 An Act to Abolish the Low-level Radioactive Waste Advisory Commission

ONTP

SPONSOR(S)
MARTIN J

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have repealed the Advisory Commission on Radioactive Waste.