

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
NATURAL RESOURCES

JULY 1997

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**Maine State Legislature**

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**ONE HUNDRED EIGHTEENTH LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees  
August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*

Offices Located in the State House, Rooms 101/107/135

The law permits an insurer to offer credits or refunds on insurance policy premiums in order to encourage the use of clean fuel vehicles if the credits or refunds are not funded through increases in insurance premiums on other vehicles.

The law authorizes the Board of Environmental Protection to adopt rules to implement a motor vehicle emissions labeling program for all new vehicles sold within the State in order to educate the public about the types and amounts of motor vehicle emissions. The law also requires the Commissioner of Environmental Protection to convene a working group to recommend a motor vehicle emissions incentives and education program. The working group must report its recommendations to the Legislature by February 1, 1998.

**LD 466**

**An Act to Establish Guidelines for the Utilization of Municipal Solid Waste Incinerator Ash and Its Derivatives**

**PUBLIC 418**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT	OTP-AM MAJ	H-646
AMERO	ONTP MIN	

LD 466 proposed to establish guidelines in statute, including permitted uses, restrictions and prohibitions, for the use of municipal solid waste incinerator ash. It also proposed to require local approval for any use of 50 or more tons of ash.

**Committee Amendment "A" (H-646)** proposed to replace the bill. The amendment proposed to require the Board of Environmental Protection to adopt rules establishing requirements for the use of municipal solid waste incinerator ash. These rules would be major substantive rules and would be reviewed by the Legislature. The amendment also proposed to specify six issues that the board must consider in developing the rules.

The amendment proposed to prohibit the use of municipal solid waste incinerator ash, except certain uses in a secure landfill, without a license from the Department of Environmental Protection issued pursuant to the new rules. The amendment proposed to prohibit the department from processing or acting upon an application for this license until rules are finally adopted by the board.

The amendment proposed to authorize the use of municipal solid waste incinerator ash processed to remove noncombusted materials and reduce the solubility of metals as daily cover, construction material or in pilot projects in the lined areas of a secure landfill. Each use would have to receive case-by-case approval from the department.

The amendment also proposed to enumerate several findings made by the Legislature with respect to municipal solid waste incinerator ash.

***Enacted law summary***

Public Law 1997, chapter 418 requires the Board of Environmental Protection to adopt rules establishing requirements for the use of municipal solid waste incinerator ash. These rules are major substantive rules and must be reviewed by the Legislature. The law specifies six issues that the board must consider in developing the rules.

The law prohibits the use of municipal solid waste incinerator ash, except certain uses in a secure landfill, without a license from the Department of Environmental Protection issued pursuant to the new rules. The law prohibits the

department from processing or acting upon an application for this license until rules are finally adopted by the board.

The law authorizes the use of municipal solid waste incinerator ash processed to remove noncombusted materials and reduce the solubility of metals as daily cover, construction material or in pilot projects in the lined areas of a secure landfill. Each use must receive case-by-case approval from the department.

The law also enumerates several findings made by the Legislature with respect to municipal solid waste incinerator ash.

**LD 474                      An Act to Amend the Waste Management Laws Regarding Landfill Closure                      PUBLIC 479**

<u>Sponsor(s)</u> MORGAN AMERO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-459
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LD 474 proposed to extend the date from January 1, 1998 to January 1, 2000 after which the State is not required to reimburse municipalities for costs incurred for work relating to landfill closure procedures.

**Committee Amendment "A" (H-459)** proposed to replace the bill. The amendment proposed to clarify the state cost-share fraction of landfill closure costs incurred by municipalities and to extend the state cost-share program for two years. The amendment also proposed to clarify the Commissioner of Environmental Protection's authority to issue grants or payments to municipalities in the amount of 75% of closure costs incurred when the state cost share is 50% or 30% of closure costs if the commissioner determines that the closure work was delayed for reasons beyond the control of the municipality and the costs are identified in and incurred pursuant to a written agreement between the municipality and the Department of Environmental Protection.

The amendment also proposed to clarify that the state cost-share fraction for remediation and closure costs does not apply to municipal solid waste landfills that have been identified as uncontrolled hazardous substance sites or Superfund sites. The commissioner would be required to determine the amount of grants or payments issued to municipalities for the costs of remediation and closure at those sites.

The amendment also proposed to add an allocation section and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 479 clarifies the state cost-share fraction of landfill closure costs incurred by municipalities and also extends the state cost-share program for two years. The law also clarifies the Commissioner of Environmental Protection's authority to issue grants or payments to municipalities in the amount of 75% of closure costs incurred when the state cost share is 50% or 30% of closure costs if the commissioner determines that the closure work was delayed for reasons beyond the control of the municipality and the costs are identified in and incurred pursuant to a written agreement between the municipality and the Department of Environmental Protection.

The law also clarifies that the state cost-share fraction for remediation and closure costs does not apply to municipal solid waste landfills that have been identified as uncontrolled hazardous substance sites or Superfund