

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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Sen. John M. Nutting

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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).

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

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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

sites. The commissioner shall determine the amount of grants or payments issued to municipalities for the costs of remediation and closure at those sites.

LD 497 **An Act to Exempt Certain Incinerators from Environmental Laws and Department of Environmental Protection Regulations** **ONTP**

<u>Sponsor(s)</u> HALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 497 proposed to exempt resource recovery facilities that burn less than one ton per day or that have less than 15 cubic feet of burning area from testing requirements for resource recovery facilities and from rules adopted by the Board of Environmental Protection relating to incinerators or resource recovery facilities.

LD 553 **An Act to Clarify Certain Department of Environmental Protection Prohibitions** **ONTP**

<u>Sponsor(s)</u> SAVAGE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 553 proposed to remove the prohibition on repairing permanent structures in any protected natural resource or adjacent to a wetland without a permit.

LD 554 **An Act to Change the Definition of Pollutant in the Environmental Laws** **ONTP**

<u>Sponsor(s)</u> SAVAGE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 554 proposed to change the definition of pollutant in the environmental laws by eliminating rock, sand and dirt.

LD 583 **An Act to Establish Cost-benefit Analysis for Environmental Rules** **ONTP**

<u>Sponsor(s)</u> WATERHOUSE CAREY		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 583 proposed to amend the current procedures for legislative review of agency rules. It proposed to add to the existing requirements for economic impact information pertaining to proposed and adopted rules. For environmental rules, the bill proposed to require the Board of Environmental Protection or the Department of Environmental Protection to supply the Legislature with further cost-benefit analyses.