

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

MEMBERS:

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Sen. John M. Nutting

Sen. Jeffrey H. Butland

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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:

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

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

Committee Amendment "A" (H-175) proposed to add to the zoning adjustment statute a fourth type of variance that may be granted from a zoning ordinance. It proposed to authorize a municipality to adopt an ordinance that permits the board of appeals to grant a variance from the dimensional standards of a zoning ordinance, which are defined to include lot area, lot coverage, frontage and setback requirements, when strict application of the ordinance would cause a practical difficulty and certain conditions exist. The amendment proposed to prohibit the granting of this type of variance if the property is in the shoreland zone.

Enacted law summary

Public Law 1997, chapter 148 adds to the zoning adjustment statute a 4th type of variance that may be granted from a zoning ordinance. It authorizes a municipality to adopt an ordinance that permits the board of appeals to grant a variance from the dimensional standards of a zoning ordinance, which are defined to include lot area, lot coverage, frontage and setback requirements, when strict application of the ordinance would cause a practical difficulty and certain conditions exist. This type of variance may not be granted if the property is in the shoreland zone.

LD 1095 An Act Concerning State Mandated Municipal Landfill Remediation ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE MACKINNON	ONTP	

LD 1095 proposed to require the Commissioner of Environmental Protection to reimburse municipalities for 90% of the planning and implementation costs of remediation ordered by the commissioner at a municipal landfill identified as an uncontrolled hazardous substance site. Under current law, the department must reimburse municipalities for 90% of the costs of remediation at a municipal landfill, but if the landfill is identified as an uncontrolled hazardous substance site the commissioner may determine the amount of funds expended at the site.

See also LD 474.

LD 1104 An Act to Create an Evidentiary Privilege for Environmental Audits and Provide for Qualified Disclosure ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATERHOUSE CAREY	ONTP	

LD 1104 proposed to establish an environmental audit privilege to protect the confidentiality of communications relating to voluntary internal environmental audits in order to encourage owners and operators of facilities and other persons conducting activities regulated under the State's environmental laws, or the federal, regional or local counterpart or extension of those laws, to conduct voluntary internal environmental audits of their compliance programs and management systems and to assess and improve compliance with those laws. An environmental audit report would be privileged and not admissible if it met specific requirements, unless the person for whom the report

was prepared waived the privilege or other circumstances existed. The bill proposed to establish a procedure to have the court determine when the privilege may be applied when enforcement authorities request, subpoena or seize an environmental audit report. The bill proposed penalties for violating the nondisclosure requirements.

LD 1135 **Resolve, Regarding Legislative Review of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality** **RESOLVE 18 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1135 proposed to authorize adoption of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

Enacted law summary

Resolve 1997, chapter 18 authorizes final adoption of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

This resolve was enacted as an emergency measure effective May 7, 1997.

LD 1136 **Resolve, Regarding Legislative Review of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality** **RESOLVE 30 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-278
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LD 1136 proposed to authorize adoption of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

Committee Amendment "A" (H-278) proposed to require that prior to final adoption of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection, the rule be amended as follows: to require that storm water quality standards appropriate for the area apply to variances for externally drained excavation pits; to require that owners or operators of excavation sites where petroleum products will be stored submit a spill prevention, control and countermeasures plan to the department for review prior to beginning operations; and to authorize the department to require that such a plan include provisions for monitoring groundwater quality.