

# 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 electronic originals  
(may include minor formatting differences from printed original)

STATE OF MAINE  
118TH LEGISLATURE

FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
NATURAL RESOURCES

JULY 1997

**MEMBERS:**

*Sen. Sharon Anglin Treat, Chair*

*Sen. John M. Nutting*

*Sen. Jeffrey H. Butland*

*Rep. G. Steven Rowe, Chair*

*Rep. David C. Shiah*

*Rep. Thomas Bull*

*Rep. Scott W. Cowger*

*Rep. Sharon Libby Jones*

*Rep. Linda Rogers McKee*

*Rep. Edward L. Dexter*

*Rep. Roy I. Nickerson*

*Rep. June C. Meres*

*Rep. Clifton Foster*

*Rep. Paul Bisulca*

**Staff:**

*Amy B. Holland, Legislative Analyst*

*Patrick T. Norton, Principal Analyst*

*Office of Policy and Legal Analysis*

*Room 101/107/135, 13 State House Station*

*Augusta, ME 04333*

*(207)287-1670*



**Maine State Legislature**

**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
Telephone: (207) 287-1670  
Fax: (207) 287-1275

**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

Sponsor(s)  
SHIAH

Committee Report  
OTP-AM

Amendments Adopted  
H-491

LD 1313 proposed to eliminate separate certification of underground hazardous substance tank installers, allowing certified oil tank installers to install or remove underground hazardous substance storage tanks if the work is supervised by a professional engineer. In addition, the bill proposed to make a change to facilitate certification of persons as underground gasoline storage tank removers.

The bill proposed to amend the rule-making laws of the Department of Environmental Protection to exempt rules from petitions to the Board of Environmental Protection and from potential legislative review where the rule has already been reviewed as a major substantive rule under provisions contained in the Maine Revised Statutes, Title 5, section 8072.

The bill proposed to increase the ceiling on the Board of Environmental Protection Fund.

The bill proposed to streamline processing of permit applications for scientific research and experimentation by delegating decision-making authority from the Board of Environmental Protection to the Commissioner of Environmental Protection.

The bill proposed to clarify the requirements in order to receive delegated authority under the State's natural resources protection laws. It further proposed to clarify the types of activities or resources that delegated authority may be applied to. In addition, the bill proposed to limit the individual oversight authority of the Department of Environmental Protection for those activities covered under chapter 305 of the department's rules for which permits are issued by a delegated municipality under the natural resources protection laws.

The bill proposed to make changes to the laws governing performance standards for quarries and for excavations.

The bill proposed to make a nonsubstantive change eliminating obsolete fee language from the laws governing the Maine Coastal and Inland Surface Oil Clean-up Fund.

The bill proposed to establish liens on the property of persons responsible for oil spills. The proposed language would be consistent with current law governing spills of hazardous substances.

The bill proposed to raise the cap on disbursements for administrative costs from the Ground Water Oil Clean-up Fund from \$1,734,000 to \$2,000,000 to reflect increased personnel costs since the cap was enacted in 1990. The bill also proposed to provide for an annual upward adjustment of 4% to cover future increases in personnel costs.

The bill proposed to clarify that persons responsible for oil spills are liable for damages to natural resources. The proposed language is derived from and consistent with the federal Oil Pollution Control Act of 1990.

The bill proposed to change the requirements for the State to move forward with a regional low-emission vehicle program.

The bill proposed to repeal and replace the law governing state cost share for landfill closure to make the law easier to understand without making a substantive change.

The bill proposed to amend the law governing reporting of hazardous substance spills to update the reference to federal reportable quantities.

The bill proposed to allow the Board of Environmental Protection to identify as hazardous matter any substance that has been designated as hazardous by the federal Environmental Protection Agency in regulations under the Comprehensive Environmental Response, Compensation and Liability Act.

The bill proposed to correct a statutory reference governing forfeiture of conveyances used to transport hazardous waste.

**Committee Amendment "A" (H-491)** proposed to remove from the bill language transferring authority to issue permits for scientific research and experimentation in the fields of pollution and pollution control from the Board of Environmental Protection to the Commissioner of Environmental Protection.

The amendment also proposed to eliminate language in the bill that made the recovery of oil spill clean-up costs a lien on the property of persons responsible for the spill with precedence over all other encumbrances on the property. The amendment proposed to make the recovery of oil spill clean-up costs a lien on the property of persons responsible for the spill and exempts from the lien the real estate of a party that is determined responsible only because a vessel that caused a spill was headed for that party's terminal facilities. The amendment also proposed to add the lien provision to the laws that govern the Ground Water Oil Clean-up Fund after December 31, 1999.

The amendment proposed to add to the provisions in the bill relating to a regional low-emission vehicle program a requirement that the Department of Environmental Protection study zero-emission vehicles and issues relating to the implementation and use of those vehicles in the State and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000. It also proposed to remove from those provisions references to federal regulations that are no longer applicable.

The amendment proposed to remove from the bill language repealing and replacing the law governing state cost share for landfill closure.

### ***Enacted law summary***

Public Law 1997, chapter 364 eliminates separate certification of underground hazardous substance tank installers. In addition, this law makes a change to facilitate certification of persons as underground gasoline storage tank removers.

The law amends the rule-making laws of the Department of Environmental Protection to exempt rules from petitions to the Board of Environmental Protection and from potential legislative review where the rule has already been reviewed as a major substantive rule under provisions contained in the Maine Revised Statutes, Title 5, section 8072. This modification avoids duplicative legislative review of rules containing provisions that are more stringent than corresponding federal requirements.

The law increases the ceiling on the Board of Environmental Protection Fund.

The law clarifies the requirements in order to receive delegated authority under the State's natural resources protection laws. It further clarifies the types of activities or resources that delegated authority may be applied to. In addition, the law limits the individual oversight authority of the Department of Environmental Protection for

those activities covered under chapter 305 of the department's rules for which permits are issued by a delegated municipality under the natural resources protection laws.

The law makes changes to the laws governing performance standards for quarries and for excavations.

The law eliminates obsolete fee language from the laws governing the Maine Coastal and Inland Surface Oil Clean-up Fund.

The law makes the recovery of oil spill clean-up costs a lien on the property of persons responsible for the spill and exempts from the lien the real estate of a party that is determined responsible only because a vessel that caused a spill was headed for that party's terminal facilities.

The law raises the cap on disbursements for administrative costs from the Ground Water Oil Clean-up Fund. The cap is raised from \$1,734,000 to \$2,000,000 to reflect increased personnel costs since the cap was enacted in 1990, and provision is made for an annual upward adjustment of 4% to cover future increases in personnel costs.

The law clarifies that persons responsible for oil spills are liable for damages to natural resources. The new language is derived from and consistent with the federal Oil Pollution Control Act of 1990.

The law changes the requirements for the Board to move forward with a regional low-emission vehicle program by requiring that jurisdictions comprising more than 60% of the total registrations of new passenger cars in the ozone transport region have adopted a low-emission vehicle program and by requiring that the first model year required to meet the standards under the program in any of those states is not later than model year 2000. The law requires the Department of Environmental Protection to study zero-emission vehicles and issues relating to the implementation and use of those vehicles in the State and to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000.

The law amends the laws governing reporting of hazardous substance spills to update the reference to federal reportable quantities.

The law allows the Board of Environmental Protection to identify as hazardous matter any substance that has been designated as hazardous by the federal Environmental Protection Agency in regulations under the Comprehensive Environmental Response, Compensation and Liability Act.

The law corrects a statutory reference governing forfeiture of conveyances used to transport hazardous waste.

See also LD 474.

**LD 1330**

**An Act to Ensure Adequate Review of Maintenance Dredging**

**PUBLIC 240**

Sponsor(s)  
LAFOUNTAIN

Committee Report  
OTP-AM

Amendments Adopted  
S-155

LD 1330 proposed to specify that maintenance dredging may not be performed without an individual permit issued by the Department of Environmental Protection when the activity is located in, on or over high quality waters of the State that constitute an outstanding national resource if the amount of material to be dredged exceeds 50,000 cubic yards. The bill also proposed to provide a definition of "high quality waters of the State that constitute an outstanding national resource" that is consistent with the classification system for surface waters in the State.