

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).

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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Environmental Protection and the Commissioner of Human Services perform a thorough assessment on the progress of achieving the total elimination of the discharge of dioxin and to report on these matters to the Legislature in 2003. The law also requires the department to include in its annual report on the dioxin monitoring program an evaluation of the department's progress toward establishing a fish-tissue sampling test.

The law also amends the color pollution control standard to require older facilities, those in existence and licensed prior to July 1, 1989, to meet a more stringent standard than current law requires.

LD 1651

Resolve, Directing the Department of Environmental Protection to Study and Make Recommendations on the Establishment of a Motor Vehicle Inspection and Maintenance Program to Meet the Requirements of the Federal Clean Air Act

RESOLVE 57

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE	OTP-AM	H-391 H-566 ROWE

LD 1651, an emergency, proposed to direct the Commissioner of Environmental Protection to study options for complying with the requirements of the federal Clean Air Act relating to a motor vehicle inspection and maintenance program in the State. The resolve proposed to require that the commissioner submit a report to the Legislature by January 5, 1998 that includes at least two proposals for a motor vehicle inspection and maintenance program. In addition, the report would have to include a recommendation as to whether the United States Environmental Protection Agency's Project XL program can be used as an alternative strategy to meet the federal Clean Air Act requirements. The resolve proposed to require the commissioner to solicit input from the public in developing the proposals.

The resolve proposed to require the commissioner to meet with the Joint Standing Committee on Natural Resources at least twice during the study. Finally, the resolve proposed to authorize the committee to report out legislation during the Second Regular Session of the 118th Legislature.

Committee Amendment "A" (H-391) proposed to make two changes to the resolve. It proposed to require the Commissioner of Environmental Protection to consider both roadside testing and annual testing at the time of inspection of heavy duty diesel-powered vehicles when developing a proposal for a motor vehicle inspection and maintenance program. It also proposed to require the commissioner to make a recommendation on the feasibility of including in any new motor vehicle inspection and maintenance program a method of providing credits toward the program requirements to motor vehicle owners who incurred costs under the repealed emission inspection program.

House Amendment "A" (H-566) proposed to remove the emergency preamble and the emergency clause from the resolve.

Enacted law summary

Resolve 1997, chapter 57 directs the Commissioner of Environmental Protection to study options for complying with the requirements of the federal Clean Air Act relating to a motor vehicle inspection and maintenance program in the State. The law requires that the commissioner submit a report to the Legislature by January 5, 1998 that includes at least two proposals for a motor vehicle inspection and maintenance program. In addition, the report must include a recommendation as to whether the United States Environmental Protection

Agency's Project XL program can be used as an alternative strategy to meet the federal Clean Air Act requirements and a recommendation on the feasibility of including in any new motor vehicle inspection and maintenance program a method of providing credits toward the program requirements to motor vehicle owners who incurred costs under the repealed emission inspection program. The law requires the commissioner to solicit input from the public in developing the proposals.

The law requires the commissioner to meet with the Joint Standing Committee on Natural Resources at least twice during the study. Finally, the law authorizes the committee to report out legislation during the Second Regular Session of the 118th Legislature.

LD 1696

An Act Regarding Low Emission and Zero Emission Vehicles

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN CLEVELAND	ONTP	

LD 1696 proposed to repeal the current law authorizing the Board of Environmental Protection to adopt rules requiring the sale of low-emission vehicles and replace it with a section of law requiring the board to adopt rules requiring the sale of low-emission vehicles and zero-emission vehicles for 1999 model year vehicles. The rules would have to require sale of the same vehicles as are required under California law and regulations. The bill also proposed to require the Department of Environmental Protection to study zero-emission vehicle technology and implementation of zero-emission vehicle use in the State and to submit a report to the joint standing committee of the Legislature having jurisdiction over air quality matters by November 15, 2001.

See also LD 1313, which was amended to require the Commissioner of Environmental Protection to complete a study of zero-emission vehicles and submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 2000.

LD 1705

An Act Regarding Just Compensation for Private Waste Companies

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KERR	OTP-AM MAJ ONTP MIN	

LD 1705 proposed to prohibit a municipality, city or county from prohibiting a private person from providing solid waste services within that municipality, city or county when those services are also provided by that governmental body.

The bill also proposed to prohibit a municipality, city, county, public benefit corporation or public authority from displacing an existing business that provides solid waste collection services, unless certain procedures are followed. These procedures include holding a public hearing, providing notice of the hearing to all businesses that provide the services and to the public and providing five years' written notice before displacing a business. The bill proposed that as an alternative to the five-year delay, displacement could be commenced after payment to the business of an amount equal to the business's preceding 12 months' gross receipts for providing the services in the area.