

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES

MAY 1998

MEMBERS:

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Sen. John M. Nutting

Sen. Jeffrey H. Butland

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ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

- 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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

LD 1944

An Act to Encourage the Use of Environmental Fines for Environmental Benefits

PUBLIC 570

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ ONTP MIN	H-786

LD 1944 proposed to describe the situations in which environmental fines could be used for environmental projects such as research, habitat enhancement or protection, public education, pollution prevention or local emergency planning. The bill proposed to more clearly define and ratify many of the concepts in the Department of Environmental Protection's current policy governing supplemental environmental projects.

Committee Amendment "A" (H-786) proposed to clarify that supplemental environmental projects may not be used as part of a civil enforcement action settlement for repeat violations by the same person of the same or a substantially similar law administered by the Department of Environmental Protection. The amendment also proposed to specify that a project that the violator had previously planned and budgeted for may not be used as a supplemental environmental project. The amendment also proposed to clarify that supplemental environmental projects may not be used to offset any calculable economic benefit of noncompliance. Finally, the amendment proposed to strike reference to rules and any other terms and conditions that may be adopted by the Commissioner of Environmental Protection or the Attorney General.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 570 authorizes the use of a portion of a fine resulting from a civil enforcement action settlement for a violation of the environmental laws for an environmental project such as pollution prevention or reduction projects, environmental enhancement projects, research projects or public health projects. The law specifies the situations in which supplemental environmental projects may be used to mitigate a portion of an assessed penalty.

LD 1972

An Act to Implement the Recommendations of the Interagency Committee on Outdoor Trash Burning

PUBLIC 672

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-797 H-995

LD 1972 proposed to make changes in the provisions of the Maine Revised Statutes, Title 12, chapter 807, Forest Fire Control and Title 38, chapter 24, Solid Waste Management and Recycling to:

1. Address citizen complaints about the numerous barrel incinerators in the State and the concern for public health impacts from localized emissions of backyard trash burning that include high levels of fine particulates, dioxin, furans and other hazardous air pollutants;

2. Provide incentives for municipalities to reduce the incidence of backyard trash burning through the implementation of recycling and municipal trash collection service; and
3. Establish a program of public education to be administered in conjunction with the Department of Environmental Protection and the State Planning Office.

Committee Amendment "A" (H-797) proposed to require a forest ranger or fire warden, when issuing a permit for residential out-of-door burning of highly combustible trash, to consider the public health risk from toxic chemicals in the smoke plume in accordance with guidelines issued by the Department of Environmental Protection, and the practicality of locating the incinerator at least 300 feet from any abutting property boundary and at least 150 feet from any residential dwelling.

The amendment also proposed to delete from the bill a requirement for the Department of Conservation to undertake a program of public education on the impacts of out-of-door burning. The amendment also proposed to allow the State Planning Office, when providing technical and financial assistance for waste reduction and recycling, to give preference to municipalities that provide a municipal trash collection service or that prohibit residential out-of-door trash burning. Finally, the amendment proposed to add a fiscal note to the bill.

Committee of Conference Amendment "A" to Committee Amendment "A"(H-995), the report of the Committee of Conference, proposed to provide that the Director of the Bureau of Forestry or a forest ranger or fire warden delegated by the director may not deny a permit for residential out-of-door burning based on the consideration of the practicality of locating the incinerator at least 300 feet from an abutting property boundary and at least 150 feet from a residential dwelling.

Enacted law summary

Public Law 1997, chapter 672 requires a forest ranger or fire warden, when issuing a permit for residential out-of-door burning of highly combustible trash, to consider the public health risk from toxic chemicals in the smoke plume in accordance with guidelines issued by the Department of Environmental Protection, and the practicality of locating the incinerator at least 300 feet from any abutting property boundary and at least 150 feet from any residential dwelling. The law prohibits a ranger or warden from denying a permit based on the setback criteria. The law also allows the State Planning Office, when providing technical and financial assistance for waste reduction and recycling, to give preference to municipalities that provide a municipal trash collection service or that prohibit residential out-of-door trash burning.

LD 2092 An Act to Clarify Certain Laws Pertaining to the Department of PUBLIC 603
Environmental Protection, Bureau of Land and Water Quality

<u>Sponsor(s)</u> COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-812
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LD 2092 proposed to clarify the definition in the natural resources protection laws of coastal sand dune systems to provide that these systems may include areas containing coarser materials such as gravel. This bill proposed to amend the site location of development law's exemption for roundwood and lumber storage yards to specifically include split firewood. It also proposed to correct a substantive conflict in the site location of development laws by providing that a municipality may have delegated authority to review developments or developments in the same municipality may be exempt under the capacity exemption, but not both.