

# 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

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
NATURAL RESOURCES

MAY 1998

**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. Linda Rogers McKee*

*Rep. Bruce S. Bryant*

*Rep. Edward L. Dexter*

*Rep. Roy I. Nickerson*

*Rep. June C. Meres*

*Rep. Clifton Foster*

**Staff:**

*Amy B. Holland, Legislative 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**  
**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](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:

- 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.

<u>Sponsor(s)</u> SHIAH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-866
----------------------------	--	-----------------------------------	--	------------------------------------

LD 2095 proposed to:

1. Extend the repeal date of the Maine Environmental Protection Fund fee schedule to 90 days after adjournment of the Second Regular Session of the 119th Legislature;
2. Clarify that license fees for solid waste disposal facilities are to be paid annually and that failure to pay the annual fee is grounds for license revocation;
3. Eliminate a loophole allowing nonconforming underground oil storage tanks installed after 1985 to remain in place until the manufacturer warranty expires;
4. Clarify the circumstances under which oil export fees may be reimbursed;
5. Clarify the statutory provision requiring all underground piping at aboveground oil storage facilities to be constructed of noncorrosive material;
6. Clarify the statutory provision requiring all underground piping at aboveground oil storage facilities to be installed and removed in accordance with applicable rules adopted by the Board of Environmental Protection;
7. Clarify certain definitions set forth in the statutes governing lead abatement;
8. Change the lead abatement laws to require that an unlicensed person must both own and occupy a dwelling in which the person performs abatement activities;
9. Require applicants seeking Department of Environmental Protection approval to expand a special waste landfill to pay the cost of municipal intervention in the department proceedings;
10. Broaden the rule-making authority of the Board of Environmental Protection for the purpose of adopting waste oil rules consistent with federal requirements; and
11. Require the Board of Environmental Protection to consider an applicant's financial capacity in issuing post-closure licenses for hazardous waste facilities.

**Committee Amendment "A" (H-866)** proposed to clarify that solid waste facility license fees must be paid annually and that failure to pay the fee within 30 days of the anniversary date of the license is grounds for modification, suspension or revocation of the license in accordance with the Maine Administrative Procedure Act.

The amendment proposed to clarify a provision in the bill to provide that tanks installed before December 31, 1985 be removed from service upon the expiration of the manufacturer's warranty, but not until January 1, 2008 if the tanks meet requirements for leak detection and overfill and spill prevention equipment.

The amendment proposed to make minor changes to the definitions of "lead hazard" and "risk assessment," as amended in the bill.

The amendment proposed to require the Department of Environmental Protection to hold a public hearing on an application for the construction or expansion of a commercial or a state-owned solid waste disposal facility that accepts special waste, if a hearing is requested by a resident or a property owner in the municipality in which the proposed facility is located, and proposed to require the applicant to pay the administrative expenses of the hearing. The amendment proposed to grant automatic intervenor status in a public hearing on an application for a license to an owner of property abutting a proposed solid waste disposal facility site. The amendment proposed to clarify that an applicant for a solid waste disposal facility license pays for municipal intervenor financial assistance grants according to department rules.

The amendment proposed to strike a change to an effective date that was not intended to be in the bill. The amendment proposed to delay the effective date of the section of the bill that prohibits the operation of aboveground oil storage facilities constructed before July 1, 1985 that have nonconforming underground piping. This delay would give the owners or operators of such facilities until July 1, 1999 to replace the nonconforming underground piping. It also proposed to add a fiscal note to the bill.

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

Public Law 1997, chapter 624 makes several changes to the laws pertaining to the Department of Environmental Protection's Bureau of Remediation and Waste Management, including the following.

It extends the repeal date of the Maine Environmental Protection Fund fee schedule to 90 days after adjournment of the Second Regular Session of the 119th Legislature and clarifies that solid waste facility license fees must be paid annually and that failure to pay the fee within 30 days of the anniversary date of the license is grounds for modification, suspension or revocation of the license in accordance with the Maine Administrative Procedure Act.

It requires that underground oil storage tanks installed before December 31, 1985 be removed from service upon the expiration of the manufacturer's warranty, but not until January 1, 2008 if the tanks meet requirements for leak detection and overflow and spill prevention equipment. It prohibits the operation of aboveground oil storage facilities constructed before July 1, 1985 that have nonconforming underground piping, but gives the owners or operators of such facilities until July 1, 1999 to replace the nonconforming underground piping.

It clarifies certain definitions and provisions in the statutes governing lead abatement.

It requires the Department of Environmental Protection to hold a public hearing on an application for the construction or expansion of a commercial or a state-owned solid waste disposal facility that accepts special waste, if a hearing is requested by a resident or a property owner in the municipality in which the proposed facility is located, and requires the applicant to pay the administrative expenses of the hearing. The law grants automatic intervenor status in a public hearing on an application for a license to an owner of property abutting a proposed solid waste disposal facility site. The law clarifies that an applicant for a solid waste disposal facility license pays for municipal intervenor financial assistance grants according to department rules.

It broadens the rule-making authority of the Board of Environmental Protection for the purpose of adopting waste oil rules consistent with federal requirements.

It requires the Board of Environmental Protection to consider an applicant's financial capacity in issuing post-closure licenses for hazardous waste facilities.