

# 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](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.

such a facility may not increase the amount of toxics used, toxics released or hazardous waste generated per unit of product at the facility, whichever is applicable, using 1998 as the base year.

The amendment proposed to continue the requirement in current law that facilities develop plans for their own use in meeting the reduction goals and to specify requirements for employee involvement in developing the plans. It also proposed to require facilities to submit summaries of the plans to the Commissioner of Environmental Protection for approval and to specify a process for protecting confidential information in the plan summaries.

The amendment proposed to establish a revised fee structure for hazardous waste generators, toxics users and toxics releasers. It also proposed to establish penalty fees for failure to meet reduction requirements.

The amendment proposed to require the Department of Environmental Protection to develop, in consultation with the Bureau of Health within the Department of Human Services, a health-based ranking system for toxic substances and a graduated fee system for toxic substances based on the toxicity ranking. The amendment proposed to require the department to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters an interim report on the ranking system by January 1, 1999 and a final report on the ranking system and the fee system by January 1, 2000. The amendment also proposed to require the department to establish a biennial environmental awards program to reward facilities that are high achievers in meeting the toxics use reduction goals. This amendment was not adopted.

**Committee Amendment "B" (S-663)**, the minority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill and change the title. The amendment proposed to extend the deadline for meeting the 30% reduction goals for toxics use, toxics release or hazardous waste generation from January 1, 1998 to January 1, 1999. The amendment proposed to clarify that the fee requirements for toxics users, toxics releasers and hazardous waste generators continue regardless of whether the goals are met. The amendment also proposed to require the Department of Environmental Protection to consult with interested parties and to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 1999 regarding the toxics use and hazardous waste reduction laws and any recommendations for changes. This amendment was not adopted.

**LD 2119**

**An Act to Clarify the Responsibilities of the Advisory Commission on Radioactive Waste during the Decommissioning of Maine Yankee**

**PUBLIC 700  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ ONTP MIN	S-514 S-540 KILKELLY

LD 2119 proposed to make the following changes to the laws that govern the Advisory Commission on Radioactive Waste.

1. It proposed to change the name of the commission to the Advisory Commission on Radioactive Waste and Decommissioning.
2. It proposed to specify that one of the Senators and one of the Representatives appointed to the commission must be members of the joint standing committee of the Legislature having jurisdiction over natural resource matters and one of the Senators and one of the Representatives appointed to the commission must be members of the joint standing committee of the Legislature having jurisdiction over utility and energy matters. It also proposed

to add the following 3 members to the commission: the Commissioner of Environmental Protection or the commissioner's designee; one member representing a local advisory group on nuclear power plants; and one member representing an environmental advocacy organization.

3. It proposed to provide that a duty of the commission is to study all issues relating to the decommissioning of nuclear power plants, including, but not limited to, economic impacts, ratepayer considerations and environmental issues and to advise the Governor, the Legislature and other state agencies on these matters. It also proposed that another duty of the commission is to monitor the decommissioning of nuclear power plants.
4. It proposed to provide additional staff support to the commission.

**Committee Amendment "A" (S-514)**, the majority report of the Joint Standing Committee on Natural Resources, proposed to require that at least one, rather than 2, of the 3 Senators appointed to the Advisory Commission on Radioactive Waste and Decommissioning belong to the political party holding the largest number of seats in the Senate and at least one of the Senators belong to the political party holding the 2nd largest number of seats in the Senate, and that at least one, rather than 2, of the 3 Representatives appointed to the Advisory Commission on Radioactive Waste and Decommissioning belong to the political party holding the largest number of seats in the House of Representatives and at least one of the Representatives belong to the political party holding the 2nd largest number of seats in the House. The amendment also proposed to strike from the bill the addition to the commission of one member representing a local advisory group on nuclear power plants and the requirement that the chair of the commission be a Legislator.

The amendment proposed to strike from the bill the requirement that the Advisory Commission on Radioactive Waste and Decommissioning study economic impacts and ratepayer considerations relating to the decommissioning of nuclear power plants.

The amendment proposed to strike from the bill the authorization for the Department of Human Services to establish a part-time position to provide staff support to the Advisory Commission on Radioactive Waste and Decommissioning and to strike the allocation for that staff. The amendment also proposed to specify that the Maine Yankee Atomic Power Plant shall pay \$25,000 annually to the Department of Environmental Protection to support allocations to the department associated with providing support to the Advisory Commission on Radioactive Waste and Decommissioning. The requirement for this payment would end on the date of the final termination of Maine Yankee's operating license.

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

**Senate Amendment "A" to Committee Amendment "A" (S-540)** proposed to clarify that of the 4 public members, one must reside in the community in which the nuclear power plant is located and one must represent a local advisory group on nuclear power plants.

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

Public Law 1997, chapter 700 changes the name of the Advisory Commission on Radioactive Waste to the Advisory Commission on Radioactive Waste and Decommissioning. The law specifies that one of the Senators and one of the Representatives appointed to the commission must be members of the joint standing committee of the Legislature having jurisdiction over natural resource matters and one of the Senators and one of the Representatives appointed to the commission must be members of the joint standing committee of the Legislature having jurisdiction over utility and energy matters. It also adds to the commission a member representing an environmental advocacy

organization and specifies that of the 4 public members, one must reside in the community in which the nuclear power plant is located and one must represent a local advisory group on nuclear power plants.

The law provides that a duty of the commission is to study issues relating to the decommissioning of nuclear power plants, including environmental issues. The law requires the Department of Environmental Protection, in addition to the Department of Human Services, to provide staffing assistance to the commission and specifies that the Maine Yankee Atomic Power Plant shall pay \$25,000 annually to the Department of Environmental Protection to support allocations associated with providing this support. The requirement for this payment ends on the date of the final termination of Maine Yankee's operating license.

Chapter 700 was enacted as an emergency measure effective April 3, 1998.

**LD 2223                      An Act to Reduce Air Pollution from Motor Vehicles and to Meet                      PUBLIC 786  
Requirements of the Federal Clean Air Act**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    A	H-1050
	OTP-AM    B	H-1165   ROWE
	ONTP       C	H-1168   WHEELER E

LD 2223 proposed to amend the list of motor vehicle equipment that must be inspected under the State's motor vehicle inspection program to include gas caps on model 1974 and later vehicles, beginning January 1, 1999, and to include on-board diagnostic systems on 1996 and later vehicles, beginning January 1, 2000. The bill also proposed to increase the fee for motor vehicle inspections from \$6 to \$9.50 beginning January 1, 1999 and to \$12.50 for 1996 and later vehicles beginning January 1, 2000. The bill proposed to increase the fee paid by inspection stations for inspection stickers from \$1 to \$1.50 beginning January 1, 1999. The bill also proposed to require certified inspection mechanics to pass an examination as part of the first renewal of an inspection mechanic certificate after January 1, 1999.

The bill proposed to require the Department of Environmental Protection to submit to the United States Environmental Protection Agency a revision to the state implementation plan that incorporates the motor vehicle inspection program under Title 29-A, chapter 15, subchapter 1, to meet the federal requirement for a vehicle emission control inspection and maintenance program.

The bill proposed to make operating a motor vehicle that emits visible smoke in the exhaust emissions for a period of 5 or more consecutive seconds a traffic infraction subject to a fine of up to \$100. The bill also proposed to establish a roadside diesel-powered motor vehicle emission opacity testing program to be administered by the Department of Environmental Protection in cooperation with the Department of Public Safety.

The bill proposed to require the Department of Environmental Protection to establish and implement a public education program designed to increase awareness of ozone and air toxics problems and to promote measures that minimize the contribution of motor vehicle emissions to air quality problems.

**Committee Amendment "A" (H-1050)**, the majority report of the Joint Standing Committee on Natural Resources, proposed to amend the State's motor vehicle inspection program to require an enhanced inspection for motor vehicles required to be registered in Cumberland County. The enhanced inspection would consist of an inspection of the equipment currently subject to inspection plus a fuel tank cap pressure test on model 1974 and