

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1170

6  
7 S.P. 422

In Senate, March 29, 1985

8 Reference to the Committee on Energy and Natural Resources suggested  
9 and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Kany of Kennebec.

Cosponsored by Senator Dow of Kennebec, Senator Brown of  
11 Washington and Representative Davis of Monmouth.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 Resolve, Regarding the Administration of  
18 Environmental Laws.  
19

20 Department of Environmental Protection and Board  
21 of Pesticide Control to conduct study. Resolved:  
22 That the Commissioner of Environmental Protection and  
23 the Director of the Board of Pesticides Control  
24 jointly conduct a study of the following:

25 1. The statutory framework for the regulation of  
26 hazardous wastes by the Board of Environmental Pro-  
27 tection and pesticides by the Board of Pesticides  
28 Control, including gaps or areas of overlap in cover-  
29 age;

30 2. The administration of laws and rules govern-  
31 ing hazardous wastes and pesticides in the State, in-  
32 cluding areas where coordination of effort exists and  
33 areas where duplication of effort exists;

34 3. The need for the consolidation of laws and  
35 the coordination of regulations and regulatory activ-

1 ities to reduce the cost of compliance with and ad-  
2 ministration of the laws and regulations governing  
3 hazardous wastes and pesticides; and

4 4. The need for additional regulatory authority  
5 to fill gaps in the regulation of hazardous wastes  
6 and pesticides to adequately protect the environment  
7 of this State and the health of its citizens; and be  
8 it further

9 **Report to the committee. Resolved:** That the  
10 Commissioner of Environmental Protection and the Di-  
11 rector of the Board of Pesticides Control report the  
12 findings of their study, including recommendations on  
13 the need for legislative changes, if any, to the  
14 Joint Standing Committee on Energy and Natural Re-  
15 sources not later than January 1, 1986. If legisla-  
16 tive changes are recommended, the report shall in-  
17 clude suggested draft legislation, a fiscal analysis  
18 of the legislation and possible funding options, if  
19 appropriate; and be it further

20 **Department of Environmental Protection and Maine**  
21 **Land and Water Resources Council to prepare report.**  
22 **Resolved:** That the Commissioner of Environmental Pro-  
23 tection and the Chairman of the Maine Land and Water  
24 Resources Council report on the following:

25 1. The current legal framework governing the  
26 siting, use and abandonment of surface impoundments  
27 including the assigned responsibilities of the Bureau  
28 of Water Quality Control, the Bureau of Oil and Haz-  
29 arduous Materials Control and the Bureau of Land Qual-  
30 ity Control;

31 2. An update on the number, design and condition  
32 of existing surface pits, ponds and lagoons following  
33 the 1980 report to the United States Environmental  
34 Protection Agency;

35 3. The results of ground water monitoring in the  
36 vicinity of surface impoundments and the need for ad-  
37 ditional monitoring;

38 4. Current literature on state-of-the-art meth-  
39 ods for designing, constructing and siting surface  
40 impoundments; and

1           5. The need for regulatory reform and an assess-  
2 ment of potential sources of assistance; and be it  
3 further

4           **Report to the committee. Resolved:** That the Com-  
5 missioner of Environmental Protection and the Chair-  
6 man of the Maine Land and Water Resources Council re-  
7 port on the state and condition of surface  
8 impoundments in Maine, including recommendations  
9 on the need for legislative changes, if any, to the  
10 Joint Standing Committee on Energy and Natural Re-  
11 sources not later than January 2, 1986. If legisla-  
12 tive changes are recommended, the report shall in-  
13 clude suggested draft legislation, a fiscal analysis  
14 of the legislation and possible funding options, if  
15 appropriate; and be it further

16           **Department of Environmental Protection to conduct**  
17 **study. Resolved:** That the Commissioner of Environ-  
18 mental Protection conduct a study of the following:

19           1. The benefits and disadvantages of granting  
20 the board or Commissioner of Environmental Protection  
21 the authority to assess administrative penalties and  
22 to issue summonses for violation of environmental  
23 laws; and

24           2. Examples of similar authority granted to oth-  
25 er executive agencies in the State and in other  
26 states; and be it further

27           **Report to the committee. Resolved:** That the Com-  
28 missioner of Environmental Protection report the  
29 findings of his study to the Joint Standing Committee  
30 on Energy and Natural Resources, including recommen-  
31 dations on the need for legislative changes, not la-  
32 ter than January 2, 1986. If legislative changes are  
33 recommended, the report shall include suggested draft  
34 legislation; and be it further

35           **Department of environmental protection to conduct**  
36 **study. Resolved:** that the Commissioner of Environ-  
37 mental Protection conduct a study of the following  
38 using federal funds to the maximum extent possible:

39           1. The need for a hazardous waste incinerator in  
40 the State in response to the Environmental Protection

1 Agency recommendation as a possible means of dealing  
2 with the hazardous waste site in Winthrop;

3 2. The site characteristics necessary and desir-  
4 able for such an incinerator to assure an  
5 environmentally sound location; and

6 3. The feasibility of disposing of nonhazardous  
7 wastes and substances from uncontrolled hazardous  
8 waste sites by incineration at such a site; and be it  
9 further

10 Report to the committee. Resolved: that the  
11 Commissioner of Environmental Protection report the  
12 findings of his study to the Joint Standing Committee  
13 on Energy and Natural Resources, including a list of  
14 potential sites, if deemed appropriate, and recommen-  
15 dations on the need for legislative changes, not la-  
16 ter than January 1, 1986. If legislative changes are  
17 recommended, the report shall include suggested draft  
18 legislation, a fiscal analysis of the legislation and  
19 possible funding options, if appropriate; and

20 Joint Standing Committee on Energy and Natural  
21 Resources to report to the Legislature. Resolved:  
22 That the Joint Standing Committee on Energy and Natu-  
23 ral Resources shall study the reports required by  
24 this resolve and report its recommendations, includ-  
25 ing implementing legislation, if any, to the Second  
26 Regular Session of the 112th Legislature.

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STATEMENT OF FACT

2           The states' environmental laws are critical to  
3 protect the health and safety of its citizens. Where  
4 the administration of the environmental laws results  
5 in gaps in that protection, the laws should be  
6 strengthened. At the same time, when administration  
7 results in duplication of coverage, the laws should  
8 be streamlined to simplify compliance. The purpose  
9 of this resolve is to require the review of the ad-  
10 ministration of 4 areas of current law by the agen-  
11 cies involved to assess how they are being adminis-  
12 tered. The Joint Standing Committee on Energy and  
13 Natural Resources will then review the studies and  
14 reports and make recommendations to the Second Regu-  
15 lar Session of the 112th Legislature.

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