

# MAINE STATE LEGISLATURE

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DATE: 4/7/94

(Filing No. H-1072)

**ENERGY & NATURAL RESOURCES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1080, L.D. 1446, Bill, "An Act to Establish an Ambient Water Toxins Program"

Amend the bill by striking out the title and substituting the following:

**'An Act to Establish an Ambient Water Toxins Program'**

Further amend the bill in section 1 in that part designated "~~§420-B.~~" in subsection 1 in paragraph B in subparagraph (3) in division (c) in the last line (page 2, line 38 in L.D.) by striking out the following: "and"

Further amend the bill in section 1 in that part designated "~~§420-B.~~" in subsection 1 in paragraph B in subparagraph (3) in division (d) in the last line (page 2, line 42 in L.D.) by striking out the following: "substances." and inserting in its place the following: 'substances; and'

Further amend the bill in section 1 in that part designated "~~§420-B.~~" in subsection 1 in paragraph B in subparagraph (3) by inserting after division (d) the following:

'(e) Toxic substances for which there are analytical test methods approved by the United States Environmental Protection Agency or, where such methods have not been approved, for which the commissioner determines, with the assistance of the technical advisory group established under this section, that proven, reliable methods have been established.

**COMMITTEE AMENDMENT**

2           The commissioner shall include in the annual work  
4           program a written statement providing the factual basis  
6           for the selection of the specific toxic substances to  
8           be monitored. Prior to implementation of the annual  
10          work program, the toxic substances to be monitored and,  
            if not approved by the United States Environmental  
            Protection Agency, the analytical test methods to be  
            used must be approved by the technical advisory group  
            by a 2/3 vote.'

12          Further amend the bill in section 1 in that part designated  
14          "~~§420-B.~~" in subsection 1 in paragraph B by striking out all of  
16          subparagraph (5) (page 3, lines 5 to 14 in L.D.) and inserting in  
            its place the following:

18           '(5) A technical advisory group composed of 11  
20           individuals is established. The commissioner shall  
22           appoint 2 members with scientific backgrounds in toxic  
24           contamination or monitoring, ecological assessment or  
26           public health from each of the following interests:  
28           business, municipal, conservation, public health and  
30           academic interests. The President of the Senate and  
32           the Speaker of the House of Representatives shall  
            jointly appoint as a nonvoting member one Legislator  
            who serves on the joint standing committee of the  
            Legislature having jurisdiction over natural resource  
            matters. The commissioner shall appoint the chair from  
            among the voting members. A quorum of 6 voting members  
            must be present for the conduct of business. Members  
            do not receive compensation or reimbursement for  
            expenses.

34           The members appointed by the commissioner serve for  
36           terms of 3 years except that, for the initial  
38           appointments, 2 members serve terms of one year, 4  
40           members serve terms of 2 years and 4 members serve  
            terms of 3 years. The Legislator serves for the  
            duration of the Legislature to which the Legislator is  
            elected.

42           The group shall advise the commissioner during the  
44           development of the 5-year monitoring plan and the  
            annual work programs.'

46          Further amend the bill by inserting after section 1 the  
48          following:

50          'Sec. 2. 38 MRSA §551, sub-§1, as amended by PL 1979, c. 541,  
            Pt. A, §268, is repealed.



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COMMITTEE AMENDMENT "A" to H.P. 1080, L.D. 1446

2 total of \$210,000 in General Fund appropriations with  
3 authorizations for 3 additional positions has been included in  
4 the committee amendment to the supplemental budget (L.D. 1761).  
5 To cover the remaining operating costs, the bill includes an  
6 Other Special Revenue allocation of \$208,275 from the Maine  
7 Coastal and Inland Surface Oil Clean-up Fund. The fund has  
8 adequate financial resources to cover this additional level of  
on-going support for this program.

10 Beginning in fiscal year 1995-96, the program's estimated  
11 annual cost is \$639,000. Additional annual General Fund  
12 appropriations of \$220,725 will be required to cover the  
13 incremental costs.'

14  
16 **STATEMENT OF FACT**

18 This amendment clarifies the requirements for the design of  
19 the annual work program for ambient testing of waterborne toxic  
20 substances. Specific elements of the annual work program will  
21 require approval by 2/3 of the voting members of the technical  
22 advisory group prior to implementation. Elements requiring this  
23 approval are a list of the toxic substances to be monitored and  
24 the analytical methods to be employed if those methods have not  
25 been previously approved by the United States Environmental  
26 Protection Agency.

28 The amendment adds a Legislator to the technical advisory  
29 group as a nonvoting member and provides for the terms of  
30 membership and other procedural aspects of the group.

32 The amendment also adds an allocation section and a fiscal  
34 note.