

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

RES

L.D. 1590

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

DATE: 3/24/94

(Filing No. H-911)

ENERGY & NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

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

COMMITTEE AMENDMENT "A" to H.P. 1193, L.D. 1590, "Resolve, to Preserve the Competitiveness of Maine's Existing Business and Industry and to Preserve the Ability of the State to Attract New Investment by Petitioning for Removal from the Ozone Transport Region"

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

'Resolve, to Direct the Department of Environmental Protection to Collect, Review and Develop Information for Use in Implementing the Clean Air Act'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the United States Congress created the Ozone Transport Region in an attempt to address the problem of ozone air quality violations in the northeast and placed the 12 states from Maryland to Maine, and the District of Columbia, in the Ozone Transport Region; and

Whereas, the deadlines for engineering, purchasing and installing controls are fast approaching; and

Whereas, Maine's companies and businesses should not be required to install emissions controls in the absence of an adequate scientific demonstration that the controls will help

COMMITTEE AMENDMENT

R. 273

reduce ozone, in any meaningful way, in the nonattainment areas of the State; and

Whereas, there does not yet exist such a scientific demonstration; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Information request; collection. Resolved: That, not later than June 1, 1994, the Department of Environmental Protection shall submit a written request to the United States Environmental Protection Agency to provide to the department written guidance regarding the information that must be submitted by the State to the Environmental Protection Agency to demonstrate whether the control of emissions in Maine or in any region of the State will significantly contribute to attainment of the federal ozone ambient air quality standard pursuant to the federal Clean Air Act, 42 United States Code, Section 7506a(a)(2).

The Department of Environmental Protection shall collect and review available information, assess on-going efforts to develop information and develop additional information as may be required by the United States Environmental Protection Agency to determine whether emissions controls in the State or in any region of the State will significantly contribute to attainment of the federal ozone ambient air quality standard pursuant to the federal Clean Air Act.

By January 15, 1995, the department shall submit to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters a progress report that describes its efforts and those of the United States Environmental Protection Agency to carry out the activities required in this section.

This resolve does not indicate legislative intent to request or support action to opt out all or any part of the State from the Ozone Transport Region nor does it indicate a legislative retreat from support of the state health-based ozone standard.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

2
4 The Department of Environmental Protection will incur some
6 minor additional costs to comply with the various information
8 related duties required by this resolve and to submit a required
10 report to the Legislature. These costs can be absorbed within
12 the department's existing budgeted resources.

14 Depending on what type of information will be required in
16 the future by the United States Environmental Protection Agency,
18 the Department of Environmental Protection may need to increase
20 its dedicated expenditures from the Maine Environmental
22 Protection Fund. Neither the amount nor the time frame in which
24 this additional funding may be needed can be determined at this
26 time.'

STATEMENT OF FACT

28 This amendment strikes the original resolve title and
30 resolve, which would have directed the Governor to petition the
32 United States Environmental Protection Agency to remove the State
34 from the Ozone Transport Region. The amendment does not require
36 petitioning the Environmental Protection Agency for removal of
38 the State from the Ozone Transport Region; rather it requires
that the Department of Environmental Protection assess whether
the control requirements imposed on the State's business and
industry in the absence of removal from the Ozone Transport
Region will help bring the 9 southern nonattainment counties into
attainment of the federal ozone standard. The information is to
be collected, reviewed and developed in consultation with and
pursuant to guidance provided by the Environmental Protection
Agency. A progress report of the department's activities must be
provided to the Legislature by January 15, 1995 so it can
determine whether Maine's industry is being required to expend
resources on controls that will not significantly contribute to
federal attainment.

This amendment also adds a fiscal note to the resolve.