

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1097

S.P. 409

In Senate, March 30, 1995

Resolve, to Establish the Task Force to Study Environmental Regulation.

Reported by Senator LORD of York for the Commission on the Future of Maine's Paper Industry pursuant to Resolve 1993, chapter 75.

Reference to the Committee on Natural Resources suggested and ordered printed pursuant to Joint Rule 20.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

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

4 **Whereas,** the Commission on the Future of Maine's Paper
6 Industry developed evidence that a number of Maine's
environmental standards exceed those of the Federal Government;
8 and

10 **Whereas,** the predominant complaint made to the commission
about environmental standards concerned duplicate review and
12 permitting; and

14 **Whereas,** the issues of standards and permitting are very
important and immediate for the paper industry; and

16 **Whereas,** the predominant complaint made about environmental
18 regulation, in general, concerned permit processing time; and

20 **Whereas,** the Commission on the Future of Maine's Paper
Industry identified the public input as the time-consuming aspect
22 of the permitting process; and

24 **Whereas,** the cycle in which the paper industry now finds
itself is opportunistic for capital investment; and

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

32 **Sec. 1. Task force created and charged. Resolved:** That the Task
34 Force to Study Environmental Regulation, referred to in this
resolve as the "task force," is created to study state
36 environmental standards and duplicate environmental review and
permitting; and be it further

38 **Sec. 2. Appointment of members. Resolved:** That the task force
40 consists of 5 members. The Governor shall appoint one member
from the Department of Economic and Community Development, one
42 member from the Department of Environmental Protection, one
member from the federal Environmental Protection Agency and 2
44 members from the paper industry.

46 All appointments must be made no later than 30 days following the
effective date of this resolve. The Governor shall notify the
48 Executive Director of the Legislative Council upon making the
appointments; and be it further

2 **Sec. 3. Convening of task force. Resolved:** That the Governor
3 shall call the first meeting of the study commission between the
4 30th and 45th days following the effective date of this resolve.
5 If the deadlines for the appointments and meeting are not met,
6 the task force may extend the deadline for completion of its work
7 in order to compensate for the lost days. A quorum for the task
8 force is a majority of the members appointed at the time of the
9 vote; and be it further

10 **Sec. 4. Selection of chair. Resolved:** That the Department of
11 Economic and Community Development appointee is chair of the task
12 force; and be it further

13 **Sec. 5. Study subjects and tasks. Resolved:** That the task force
14 shall carry out the following 3 tasks in the manner indicated.

15 **1. Environmental standards.** In terms of environmental
16 standards, the task force shall:

17 A. Determine which state statutory standards and regulatory
18 standards that relate to the paper industry exceed federal
19 standards; and

20 B. For those standards that exceed the federal standards,
21 obtain data to compare them, as a minimum, to the 5 leading
22 paper industry states.

23 **2. Duplicate review and permitting.** In terms of duplicate
24 review and permitting, the task force shall identify and make
25 recommendations for eliminating duplicate review and permitting
26 in all areas relative to the paper industry, including the
27 following:

28 A. Duplicate review when a municipality has a certified
29 plan;

30 B. Duplicate review between state and federal programs,
31 such as National Pollutant Discharge Elimination Systems and
32 wetlands management;

33 C. Duplicate review between activities reviewed by the
34 Maine Land Use Regulation Commission and permitting
35 requirements under the natural resources protection laws;

36 D. Duplicate reporting under the new emissions inventory
37 reporting rule;

38 E. Duplicate reports under the toxics use reduction
39 reporting requirements;

- 2 F. Duplicate notice requirements for malfunctions and
instances that exceed governmental standards;
- 4 G. Duplicate hazardous waste storage inspection and
6 reporting requirements;
- 8 H. Duplicate review of landfills; and
- 10 I. Duplicate standards between the natural resources
12 protection laws and the federal Clean Water Act.

14 **3. Public input.** The task force shall compare the time
16 taken for public input in this State with that in other states
18 and, if that time is longer, identify if this is caused by
opportunities provided by law or rule or whether the public takes
20 more advantage of the opportunity provided. In exploring this
issue, the task force shall determine the number of public
hearings, the number of witnesses at hearings and the
expenditures by environmental and industry lobbying
22 organizations; and be it further

24 **Sec. 6. Staffing. Resolved:** That the Department of Economic and
Community Development shall provide staffing and clerical support
26 to the task force; and be it further

28 **Sec. 7. Compensation. Resolved:** That task force members serve
without per diem or expenses; and be it further

30 **Sec. 8. Report. Resolved:** That the task force shall submit to
the Legislature, with a copy to the Governor, a brief report of
32 its findings and shall make an oral presentation to the joint
standing committees of the Legislature having jurisdiction over
34 economic development matters and environmental protection matters.

36 The task force shall finalize its conclusions and recommendations
by November 1, 1995 and submit its report to the Legislature by
38 December 1, 1995.

40 If the task force requires an extension, it may apply to the
Legislative Council, which may grant the extension; and be it
42 further

44 **Sec. 9. Budget. Resolved:** That the Department of Economic and
Community Development shall administer the task force's budget;
46 and be it further

48 **Sec. 10. Funding. Resolved:** That the task force may seek,
accept and expend private or public funding for its activities.

