

MAINE STATE LEGISLATURE

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R & E

L.D. 1672

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MINORITY
NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1222, L.D. 1672, Bill, "An Act to Amend Certain Laws Administered by the Department of Environmental Protection"

Amend the bill in section 4 by striking out all of subsection 6-A and inserting in its place the following:

'6. Transfer of ownership. "Transfer of ownership" means a change in the legal entity that owns a property, facility or structure that is the subject of a license issued by the department.'

Further amend the bill in section 5 in subsection 1-C in the first paragraph in the 3rd line (page 2, line 20 in L.D.) by striking out the following: "cooper" and inserting in its place the following: 'copper'

Further amend the bill in section 5 in subsection 1-C in the first paragraph in the 5th line (page 2, line 22 in L.D.) by striking out the following: "it is" and inserting in its place the following: 'the commissioner has'

Further amend the bill in section 5 in subsection 1-C in paragraph D in the 2nd line (page 2, line 36 in L.D.) by striking out the following: "; and" and inserting in its place the following: ';'

Further amend the bill in section 5 in subsection 1-C in paragraph E in the last line (page 2, line 41 in L.D.) by striking out the following: "municipalities." and inserting in its place the following: 'municipalities; and'

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "B" to H.P. 1222, L.D. 1672

2 Further amend the bill in section 5 in subsection 1-C by
 inserting after paragraph E the following:

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6 'F. The Department of Inland Fisheries and Wildlife has
 found that the discharge will not have an adverse impact on
 the fishery management plan of that water body.'

8

10 Further amend the bill in section 5 in subsection 1-C in the
 last paragraph in the first line (page 2, line 43 in L.D.) by
 striking out the following: "cooper" and inserting in its place
 12 the following: 'copper' and in the 8th line (page 2, line 50 in
 L.D.) by striking out the following: "the 2 meters" and inserting
 14 in its place the following: 'than 2 meters'

16 Further amend the bill in section 12 in subsection 4-B in
 the blocked paragraph in the 8th line (page 5, line 36 in L.D.)
 18 by striking out the following: "mean" and inserting in its place
 the following: 'mean are' and in the 12th line (page 5, line 40
 20 in L.D.) by striking out the following: "do" and inserting in its
 place the following: 'de does'

22

24 Further amend the bill by striking out all of section 13 and
 inserting in its place the following:

26 **'Sec. 13. 38 MRSA §1453-A, sub-§2,** as amended by PL 1995, c.
 333, §3, is further amended by amending the first paragraph to
 28 read:

30 **2. Membership; appointment.** The commission consists of ~~16~~
 32 15 members, appointed as follows:

34 **Sec. 14. 38 MRSA §1453-A, sub-§2, ¶A,** as enacted by PL 1993,
 c. 664, §15 and affected by §21, is repealed.'

36 Further amend the bill in section 16 in that part designated
 "**§1479.**" in the last paragraph in the first line (page 6, line 41
 38 in L.D.) by inserting after the following: "section" the
 following: 'does not replace any other license required by law
 40 and'

42 Further amend the bill by relettering or renumbering any
 nonconsecutive Part letter or section number to read
 44 consecutively.

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

48

FISCAL NOTE

2

The Department of Environmental Protection will incur some minor additional costs to enforce certain federal air emissions standards over current licensees and to provide technical and legal assistance to those municipalities participating in the landfill closure and remediation program. These costs can be absorbed within the department's existing budgeted resources.

10

The Board of Environmental Protection will realize some minor savings from repeal of the requirement to review and approve low-level radioactive waste facilities.

14

The Department of Environmental Protection will realize some minor savings from removal of the Commissioner of Environmental Protection from the Advisory Commission on Radioactive Waste.

18

Licensure of algaecide applicators will result in insignificant increases of dedicated revenue to the Department of Environmental Protection from fees collected by the Maine Environmental Protection Fund.

22

This bill may increase the number of civil suits filed in the court system. The additional workload and administrative costs associated with the minimal number of new cases filed can be absorbed within the budgeted resources of the Judicial Department. The collection of additional filing fees may also increase General Fund revenue by minor amounts.

30

The Department of Inland Fisheries and Wildlife will incur some minor additional costs to review whether the use of copper compounds in lakes would adversely impact the fishery management plan for a particular lake. These costs can be absorbed within the department's existing budgeted resources.'

36

STATEMENT OF FACT

38

This amendment, the minority report of the Joint Standing Committee on Natural Resources, adds a condition for use of copper compounds in certain lakes to provide that copper compounds may be used only if the Department of Inland Fisheries and Wildlife determines that the use of copper compounds will not adversely impact the fishery management plan for the water body. The amendment also corrects typographical errors in the section relating to use of copper compounds.

48

This amendment deletes the section of the bill expanding the Department of Environmental Protection's rule-making authority over waste oil and clarifies when ownership of a facility or

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COMMITTEE AMENDMENT "B" to H.P. 1222, L.D. 1672

2 structure licensed under any department law is considered to be
transferred.

4 This amendment removes the Commissioner of Environmental
6 Protection from the Advisory Commission on Radioactive Waste and
clarifies that approval of a low-level radioactive waste facility
8 by the Legislature does not exempt the facility owner or operator
from the need to obtain other licenses and approvals required by
10 law. For example, if the facility meets the definition of a
"structure" under the site location of development law, then a
12 site location license must be obtained. If waste from the
facility, in addition to being radioactive, is identified as
14 hazardous waste by rules adopted by the Board of Environmental
Protection, it is subject to requirements of the state hazardous
waste law and rules.