

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)

DATE: 3-20-98

(Filing No. H- 994)

MINORITY
NATURAL RESOURCES

2
4
6
8

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

14 STATE OF MAINE
16 HOUSE OF REPRESENTATIVES
18 118TH LEGISLATURE
20 SECOND REGULAR SESSION

18

20 COMMITTEE AMENDMENT "B" to H.P. 1606, L.D. 2233, "Resolve,
22 Regarding Legislative Review of Chapter 231: Rules Relating to
24 Drinking Water, a Major Substantive Rule of the Department of
26 Human Services"

24 Amend the resolve by inserting after the title and before
26 the emergency preamble the following:

26

28 'Mandate preamble. This measure requires one or more local
30 units of government to expand or modify activities so as to
32 necessitate additional expenditures from local revenues but does
34 not provide funding for at least 90% of those expenditures.
Pursuant to the Constitution of Maine, Article IX, Section 21,
two thirds of all of the members elected to each House have
determined it necessary to enact this measure.'

34

36 Amend the resolve in section 1 in the last line (page 1,
38 line 27 in L.D.) by striking out the following: "authorized."
40 and inserting in its place the following: 'authorized, with the
42 following amendment to the rule. The rule must be amended in
Section 7(G)(5)(b) and in other provisions of the rule, as
necessary, to establish the maximum contaminant level for methyl
tertiary-butyl ether at 15 parts per billion; and be it further'

42

44 Further amend the resolve by inserting after section 1 the
following:

44

46 'Sec. 2. Report; legislation. Resolved: That the Commissioner of
48 Human Services shall monitor issues relating to the contamination
of drinking water by methyl tertiary-butyl ether and report to
the joint standing committee of the Legislature

COMMITTEE AMENDMENT

2 having jurisdiction over natural resources matters no later than
3 January 1, 2000 with a recommendation on whether to retain or
4 lower the maximum contaminant level for methyl tertiary-butyl
5 ether. The joint standing committee of the Legislature having
6 jurisdiction over natural resources matters may report out
7 legislation to the Second Regular Session of the 119th
8 Legislature regarding the maximum contaminant level for methyl
9 tertiary-butyl ether.'

10 Further amend the resolve by inserting at the end before the
11 summary the following:

12
13
14 **FISCAL NOTE**

15 The requirement that public water systems comply with rules
16 concerning MTBE represents a state mandate pursuant to the
17 Constitution of Maine. The additional local costs associated
18 with this regulation can not be estimated. Pursuant to the
19 Mandate Preamble, the two-thirds vote of all members elected to
20 each House exempts the State from the constitutional requirement
21 to fund 90% of the additional local costs.

22
23 Lowering the maximum contaminant level for MTBE in drinking
24 water will result in a greater number of contaminated groundwater
25 sites that will be remediated by the Department of Environmental
26 Protection through the use of the Ground Water Oil Clean-up
27 Fund. Beginning in fiscal year 1998-99, and continuing through
28 fiscal year 2000-01, the increased number of contaminated sites
29 will result in \$645,000 in additional annual expenditures from
30 the fund. The fund has sufficient allocations in fiscal year
31 1998-99 and resources in the fund to cover these additional costs.

32
33 The additional costs associated with the reporting
34 requirements can be absorbed by the Department of Human Services
35 utilizing existing budgeted resources.'

36
37
38
39 **SUMMARY**

40 This amendment, which is the minority report of the Joint
41 Standing Committee on Natural Resources, requires that prior to
42 final adoption of Chapter 231: Rules Relating to Drinking Water,
43 a Major Substantive Rule of the Department of Human Services, the
44 rule must be amended to establish a maximum contaminant level for
45 methyl tertiary-butyl ether of 15 parts per billion rather than
46 the proposed maximum contaminant level of 35 parts per billion.

47
48 The amendment requires the Commissioner of Human Services to
49 monitor issues relating to the contamination of drinking water by
50

COMMITTEE AMENDMENT "B" to H.P. 1606, L.D. 2233

2 methyl tertiary-butyl ether, or MTBE, and report to the joint
3 standing committee of the Legislature having jurisdiction over
4 natural resources matters no later than January 1, 2000 with a
5 recommendation on whether to retain or lower the maximum
6 contaminant level for MTBE. The amendment gives the committee
7 authority to report out legislation to the Second Regular Session
8 of the 119th Legislature regarding the maximum contaminant level
9 for MTBE.

10 The amendment also adds a mandate preamble and a fiscal note
to the resolve.

COMMITTEE AMENDMENT