

# MAINE STATE LEGISLATURE

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L.D. 1519

DATE: 2-17-00

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NATURAL RESOURCES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1072, L.D. 1519, Bill, "An Act to Encourage Environmental Management Systems"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 38 MRSA §343-G is enacted to read:

§343-G. Environmental management systems

1. Environmental management system incentive program. The commissioner shall develop and implement an environmental management system incentive program to encourage entities subject to regulation by the department to improve and expand their environmental performance and compliance through the development and implementation of environmental management systems that, at a minimum, conform to international standards, comply with all applicable environmental laws, rules and regulations and prevent and reduce pollution. The incentive program may include the following elements:

A. Alternative schedules for routine compliance inspections;

B. Alternative record-keeping and reporting systems that provide equal or improved public access to information and do not result in any reduction in content or quality of information; and

C. Public recognition by the commissioner.

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2 2. Eligibility. To be eligible for incentives under this  
3 section, an entity must have developed and implemented an  
4 environmental management system certified by an accredited  
5 3rd-party certification body as conforming to the requirements of  
6 the International Organization for Standardization's standard  
7 14001 (ISO 14001:1996); demonstrated full compliance with all  
8 applicable state and federal environmental laws, rules,  
9 regulations and permits for the 2 most recent years; demonstrated  
10 improved environmental performance that resulted in pollution  
11 prevention and reduction; involved the public in the development  
12 of any proposed incentives; and involved department staff in at  
13 least one environmental management system 3rd-party surveillance  
14 audit. The commissioner shall revoke all incentives granted to  
15 an entity under this section if the commissioner finds that the  
16 entity no longer meets the eligibility requirements in this  
17 subsection.

18 3. Evaluation. By January 15, 2002, the department shall  
19 submit a report to the joint standing committee of the  
20 Legislature having jurisdiction over natural resources matters  
21 with an evaluation of the effectiveness of the environmental  
22 management system incentive program developed under this section,  
23 including a list of applications to the program, a list of  
24 entities that qualified for incentives under the program and a  
25 list of incentives granted. The report must include any  
26 recommendations for changes to the incentives or the scope of the  
27 program and any proposed legislation. The department shall work  
28 with a representative stakeholder group in conducting its  
29 evaluation and developing recommendations. The joint standing  
30 committee of the Legislature having jurisdiction over natural  
31 resources matters may report out a bill to the Second Regular  
32 Session of the 120th Legislature regarding environmental  
33 management systems.

34 4. Repeal. This section is repealed December 31, 2002.'

35 Further amend the bill by inserting at the end before the  
36 summary the following:  
37

40 **FISCAL NOTE**

41 The Department of Environmental Protection will incur some  
42 minor additional costs to develop and implement an environmental  
43 management systems incentive program and to submit the required  
44 report to the Legislature. These costs can be absorbed within  
45 the department's existing budgeted resources.'

**COMMITTEE AMENDMENT**

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**SUMMARY**

This amendment replaces the bill. The amendment requires the Commissioner of Environmental Protection to develop and implement an environmental management system incentive program to encourage entities to develop and implement environmental management systems that, at a minimum, conform to international standards, comply with all applicable environmental laws, rules and regulations and prevent and reduce pollution. The incentives may include alternative schedules for routine compliance inspections, alternative record-keeping and reporting systems and public recognition by the commissioner.

The amendment specifies that, in order to be eligible for incentives, an entity must have developed and implemented a certified environmental management system; demonstrated full compliance with all applicable state and federal environmental laws, rules, regulations and permits for the 2 most recent years; demonstrated improved environmental performance that resulted in pollution prevention and reduction; involved the public in the development of any proposed incentives; and involved Department of Environmental Protection staff in at least one 3rd-party surveillance audit. The amendment requires the commissioner to revoke all incentives granted to an entity if the entity no longer meets the eligibility requirements.

The amendment requires the department to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2002 with an evaluation of the incentive program and any recommendations for changes to the program and authorizes that committee to report out a bill regarding environmental management systems to the Second Regular Session of the 120th Legislature. The amendment establishes a repeal date of December 31, 2002 for the environmental management system incentive program.

This amendment adds a fiscal note to the bill.