

MAINE STATE LEGISLATURE

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P. 2002

L.D. 1964

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NATURAL RESOURCES

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**STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "*A*" to S.P. 723, L.D. 1964, Bill, "An Act to Amend Certain Laws Administered by the Department of Environmental Protection"

Amend the bill by inserting after the enacting clause the following:

Sec. 1. 12 MRSA §7794-B, first ¶, as enacted by PL 2001, c. 434, Pt. A, §3, is amended to read:

Beginning on January 1, 2002, and by January 1st of each subsequent year, the commissioner shall provide each agent authorized to register watercraft or issue licenses with a sufficient quantity of lake and river protection stickers for that boating season. The sticker must be in 2 parts so that one part of the sticker can be affixed to each side of the bow of a motorboat or personal watercraft. The fee for a sticker is \$20 for a motorboat or personal watercraft not registered in the State and \$10 for a motorboat or personal watercraft registered in the State. Each agent shall retain \$1 for each sticker sold by that agent for which a fee is required. A motorboat or a personal watercraft owned by the federal government, a state government or a municipality is exempt from the fee established in this section.

Sec. 2. 12 MRSA §9321, sub-§1, ¶I, as amended by PL 1997, c. 672, §2, is further amended to read:

I. In issuing a permit under section 9325, subsection 1, paragraph E, any prior convictions for violating that paragraph or section 9324, subsection 7 7-A; and

2 **Sec. 3. 12 MRSA §9324, sub-§7**, as amended by PL 2001, c. 277,
§1, is repealed.

4 **Sec. 4. 12 MRSA §9324, sub-§7-A** is enacted to read:

6 7-A. Solid waste. Except as provided in this subsection,
8 the out-of-door burning of plastic, rubber, styrofoam, metals,
10 food wastes, chemicals, treated wood or other solid wastes is
12 prohibited in all areas of the State. For the purposes of this
14 subsection, the term "lumber" means material that is entirely
16 made of wood and is free from metal, plastics, coatings and
18 chemical treatments and the term "wood wastes" means brush,
20 stumps, lumber, bark, wood chips, shavings, slabs, edgings,
22 slash, sawdust and wood from production rejects that are not
24 mixed with other solid or liquid waste. The following materials
26 are exempt from this subsection:

18 A. Wood wastes;

20 B. Painted and unpainted wood from construction and
22 demolition debris;

24 C. Empty containers, including fiberboard boxes and paper
26 bags, previously containing explosives and being disposed of
28 in accordance with the provisions of Title 25, section 2472;
30 and

32 D. Explosives being disposed of under the direct
34 supervision and control of the State Fire Marshal.

36 **Sec. 5. 12 MRSA §9324, sub-§8**, as enacted by PL 2001, c. 277,
§2, is repealed.

38 **Sec. 6. 12 MRSA §9325, sub-§1, ¶E**, as repealed and replaced by
PL 1997, c. 512, §6, is amended to read:

40 ~~E. Residential-out-of-door~~ Out-of-door burning of highly
42 ~~combustible-trash~~ wood wastes as defined in section 9324,
44 ~~subsection 7~~ 7-A and ~~and painted and unpainted wood and~~
46 ~~demolition debris in the open or enclosed-incinerators-where~~
48 ~~municipal-trash-collection-service-as-defined-in-section~~
9324, ~~subsection 7 is not available or will not accept these~~
materials, ~~The incinerator must have been inspected and~~
approved by a municipal fire chief, town forest fire warden
or forest ranger using minimum criteria established by the
director for safe operation in an incinerator with a primary
chamber volume no greater than 133 cubic feet or 1,000
gallons that is not licensed by the Department of
Environmental Protection;

2 **Sec. 7. 12 MRSA §9325, sub-§1, ¶¶F, G, I and J**, as enacted by PL
4 1991, c. 36, §4, are amended to read:

6 F. Residential-~~open~~ Open burning of leaves, brush, deadwood
8 and tree cuttings accrued from normal property maintenance
 by the individual landowner or lessee of the land unless
 expressly prohibited by municipal ordinance;

10 G. Burning on site for the disposal of ~~materials~~ wood
12 wastes and painted and unpainted wood from construction and
14 demolition debris generated from the clearing of any land or
 by the erection, modification, maintenance, demolition or
 construction of any highway, railroad, power line,
 communication line, pipeline, building or development;

16 I. Burning for the containment or control of spills of
18 gasoline, kerosene, heating oil or similar petroleum
20 products; and

22 J. The burning of brush wood wastes and painted and
24 unpainted wood from construction and demolition debris at
 ~~municipal~~ solid waste disposal facilities; and

26 **Sec. 8. 12 MRSA §9325, sub-§1, ¶K** is enacted to read:

28 K. The burning of empty containers, including fiberboard
30 boxes and paper bags, previously containing explosives and
 being disposed of in accordance with the provisions of Title
 25, section 2472.'

32 Further amend the bill in section 1 by striking out all of
34 subsection 1 and inserting in its place the following:

36 '**1. Establishment and membership.** There is established
38 within the Department of Environmental Protection, the Board of
40 Underground Storage Tank Installers. The board consists of 7
42 members appointed by the Governor as follows: one from the
44 Department of Environmental Protection; one from either the Maine
 Oil Dealer's Association or the Maine Petroleum Association; one
 underground oil storage tank installer; one from the Maine
 Chamber of ~~Commerce and Industry~~ and Business Alliance or an
 underground oil storage tank inspector or a 2nd underground oil
 storage tank installer; one from the Maine Fire Chiefs
46 Association; and 2 public members.'

48 Further amend the bill by inserting after section 6 the
50 following:

 '**Sec. 7. 38 MRSA §570-M** is enacted to read:

2 **§570-M. Prohibition on adding water to well**

4 Except as provided in this section, a person may not add
6 water to a well. Water may be added to a well by:

8 1. Licensed well driller. A well driller licensed under
10 Title 32, chapter 69-C using water that is in conformance with
12 rules adopted under that chapter;

14 2. Authorized water transporter. A person authorized to
16 transport water under Title 22, section 2660-A using water in
18 conformance with rules adopted under that section; or

20 3. Well injection. Well injection into a Class V well as
22 authorized and licensed by the department pursuant to rules
24 adopted by the board.

26 For the purposes of this section, the term "well" means any
28 hole dug, drilled, driven or bored into the earth used to extract
30 drinking water and does not include monitoring wells, wells
32 constructed exclusively for the relief of artesian pressure at
34 hydroelectric projects, wells constructed for temporary
36 dewatering purposes and wells constructed for the purposes of
38 extracting oil, gas or brine.

40 **Sec. 8. 38 MRSA §590, sub-§1**, as enacted by PL 1991, c. 658,
42 §1, is amended to read:

44 **1. License required.** After ambient air quality standards
46 and emission standards have been established within a region, the
48 board may by rule provide that a person may not operate, maintain
50 or modify in that region any air contamination source or emit any
air contaminants in that region without an air emission license
from the department. An incinerator may not be used to dispose
of solid waste without a license from the department, except an
incinerator with a primary chamber volume no greater than 133
cubic feet or 1,000 gallons that burn only wood waste as defined
in Title 12, section 9324, subsection 7-A and painted and
unpainted wood from construction and demolition debris.

42 **Sec. 9. 38 MRSA §1273, sub-§2**, as amended by PL 1993, c. 355,
44 §40, is further amended to read:

46 **2. Notification required.** A person, owner or operator may
48 not engage in any asbestos abatement activity over 3 linear feet
50 or 3 square feet of friable asbestos-containing material unless
that person, owner or operator notifies the commissioner in
writing. This notification must be postmarked at least 10
calendar days before or delivered to the department at least 5

working days prior to beginning any on-site work, including on-site preparation work,--that--has--the--potential--to--release asbestos-fibers. The department may approve a reduction in the number of days required for notification on a case-by-case basis when unforeseeable circumstances or compliance with standard notification procedures may cause a threat to the environment or human health.'

Further amend the bill by inserting after section 9 the following:

'Sec. 10. 38 MRSA §2133, sub-§2-A, as amended by PL 1999, c. 385, §4, is further amended to read:

2-A. Technical and financial assistance program. A program of technical and financial assistance for waste reduction and recycling is established in the office to assist municipalities with managing solid waste. The office may also provide planning assistance to municipalities and regional organizations for managing municipal solid waste. Planning assistance may include cost and capacity analysis and education and outreach activities. The director shall administer the program in accordance with the waste management hierarchy in section 2101. Preference in allocating resources under this section must be given to municipalities that take advantage of regional economies of scale. ~~Preference may also be given to municipalities that provide a municipal trash collection service as defined in Title 12,--section--9324,--subsection--7--or--that--prohibit--residential out-of-door-burning-of-highly-combustible-trash.~~

Sec. 11. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 12, section 7794-B, first paragraph applies retroactively to January 1, 2002.'

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

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

FISCAL NOTE

2002-03

REVENUES

Other Funds \$125,000

2 The continuation of the dioxin monitoring program within the
3 Department of Environmental Protection on January 1, 2003 will
4 require additional annual allocations of \$250,000 beginning in
5 fiscal year 2003-04. The Governor's biennial budget for the
6 Maine Environmental Protection Fund incorrectly includes a full
7 year allocation of \$250,000 for the program in fiscal year
8 2002-03; the budget should have reflected the scheduled repeal of
9 the program by including an allocation that was equal to 1/2 of
10 the full-year cost. Similarly, the 2002-2003 biennial budget
11 incorrectly budgets a full year of revenue for the program in
12 fiscal year 2002-03.

13
14 Removing the presumption of capacity will result in
15 insignificant increases of dedicated revenue to the Maine
16 Environmental Protection Fund from site location of development
17 permit fees.

18 Exempting certain watercraft owned by governmental entities
19 from certain fee requirements will result in insignificant
20 reductions of dedicated revenue to the Department of
21 Environmental Protection and the Department of Inland Fisheries
22 and Wildlife.'

23
24
25
26 **SUMMARY**

27 This amendment corrects an error from the First Regular
28 Session of the 120th Legislature in which the authorization for
29 agents of the Department of Inland Fisheries and Wildlife to keep
30 \$1 for each lake and river protection sticker sold was
31 inadvertently omitted from the enacted law. Since those lake and
32 river protection stickers were available for purchase as of
33 January 1, 2002, this amendment also makes that authorization to
34 keep \$1 per sticker retroactive to that date. The amendment also
35 exempts motorboats owned by federal, state or local governments
36 from the fee for the lake and river protection stickers.

37
38 The amendment also clarifies that the open burning of wood
39 wastes and painted and unpainted wood from construction and
40 demolition debris is not prohibited and that a burn permit is
41 required for burning wood waste in incinerators smaller than
42 1,000 gallons.

43
44 This amendment also provides the option of appointing either
45 an underground oil storage tank inspector, a 2nd underground oil
46 storage tank installer or a member of the Maine Chamber and
47 Business Alliance to one slot on the Board of Underground Tank
48 Installers.

49
50

COMMITTEE AMENDMENT "A" to S.P. 723, L.D. 1964

2 The amendment adds a provision prohibiting adding water to a
well except by licensed well drillers and licensed bulk water
4 transporters and for aquifer recharges conducted in accordance
with existing rules of the Department of Environmental
6 Protection. Exceptions to this prohibition are provided for
monitoring wells, wells constructed exclusively for the relief of
8 artesian pressure at hydroelectric projects, wells constructed
for temporary dewatering purposes and wells constructed for the
purposes of extracting oil, gas or brine.

10
12 The amendment clarifies that an air emission license is not
required for incinerators smaller than 1,000 gallons that burn
only wood waste.

14
16 This amendment also provides for a reduced period of time
for notices of asbestos removal that are delivered to the
Department of Environmental Protection in person and allows the
18 department to further reduce the notification period if necessary
to protect human health or the environment.

20
22 This amendment also clarifies that the prohibition on
backyard burning does not apply to packages that previously
24 contained explosives that are being disposed of under the
supervision of the State Fire Marshal.

26 This amendment also adds a fiscal note to the bill.