

# MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT A to S.P. 606, L.D. 1655, Bill, "An Act To Amend Certain Laws Administered by the Department of Environmental Protection"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend Certain Laws Relating to Environmental Protection'

Further amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 32 MRSA §1102-A, sub-§§9 and 10, as enacted by PL 1999, c. 386, Pt. F, §8, are amended to read:

9. Plumbers. A person licensed under chapter 49, except that this exemption applies only to disconnection and connection of electrical conductors required in the replacement of water pumps and water heaters of the same or smaller size in residential properties; or

10. Pump installers. A person licensed under chapter 69-C, except that this exception applies only to disconnection and connection of electrical conductors required in the replacement of water pumps of the same or smaller size in residential properties and the installation of new water pumps and associated equipment of 3 horsepower or smaller; or

COMMITTEE AMENDMENT

2           **Sec. 2. 32 MRSA §1102-A, sub-§11** is enacted to read:

4           **11. Wastewater treatment plants.** Wastewater treatment  
6 plants, as defined in section 4171, and regular employees of  
8 wastewater treatment plants making electrical installations in or  
10 about wastewater treatment plants.

12           **Sec. 3. 32 MRSA §10003, sub-§1**, as amended by PL 2001, c. 626,  
14 §9, is further amended to read:

16           **1. Establishment and membership.** There is established  
18 within the Department of Environmental Protection, the Board of  
20 Underground Storage Tank Installers. The board consists of 7  
22 members appointed by the Governor as follows: one from the  
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 and Business Alliance or an underground oil storage tank  
inspector or a 2nd underground oil storage tank installer; one  
from the Maine Fire Chiefs Association; and 2 public members.'

24           Further amend the bill by striking out all of section 2 and  
inserting in its place the following:

26           '**Sec. 2. 38 MRSA §413, sub-§1-B**, as affected by PL 1989, c.  
28 890, Pt. A, §40 and amended by Pt. B, §28, is repealed and the  
following enacted in its place:

30           **1-B. License required for subsurface wastewater disposal**  
32 **systems.** A license to install, operate or maintain a subsurface  
34 wastewater disposal system is governed as set forth in this  
36 subsection.

38           A. A person may not install, operate or maintain a  
40 subsurface wastewater disposal system without first  
42 obtaining a license for the system from the department,  
44 except that a license is not required for systems designed  
46 and installed in conformance with the plumbing code, as  
48 adopted by the Department of Human Services under Title 22,  
section 42.

B. The department may by rule license categories of  
subsurface discharges when the discharges will not have a  
significant adverse effect on the quality or classification  
of groundwaters of the State. Rules adopted pursuant to  
this paragraph are routine technical rules as defined in  
Title 5, chapter 375, subchapter 2-A unless the rules are  
incorporated as amendments to existing rules that are major

2 substantive rules as defined in Title 5, chapter 375,  
subchapter 2-A.'

4 Further amend the bill by inserting after section 10 the  
following:

6  
8 'Sec. 11. 38 MRSA §568-B, sub-§1, ¶A, as enacted by PL 1993,  
c. 363, §12 and affected by §21, is amended to read:

10 A. Three persons representing the petroleum industry,  
appointed by the Governor, one of whom is nominated by the  
12 Maine Oil Dealers Association, ~~one of whom is nominated by~~  
~~the--Maine--Petroleum--Assoeiation--and--one--of--whom--is--a~~  
14 ~~retailer-who~~ one of whom is a retailer who owns fewer than 5  
16 retail outlets, as defined in Title 10, section 1672,  
subsection 6, ~~to-be-chosen-by-the-Governer~~ and one of whom  
18 is a retailer who owns 5 or more retail outlets, as defined  
in Title 10, section 1672;'

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

22  
24 'Sec. 13. 38 MRSA §1310-X, sub-§4, ¶A, as enacted by PL 1995,  
c. 588, §1, is amended to read:

26 A. A commercial biomedical waste disposal or treatment  
facility, if at least 51% of the facility is owned by a  
28 licensed hospital or hospitals as defined in Title 22,  
section 382, ~~subsection 7, or an affiliated interest or~~  
30 interests as defined in Title 22, section 396-L, ~~subsection~~  
1, ~~paragraph A~~ 328, subsection 14 or a group of hospitals  
32 that are licensed under Title 22 acting through a statewide  
association of Maine hospitals or a wholly owned affiliate  
34 of the association; and'

36 Further amend the bill by inserting after section 14 the  
following:

38  
40 'Sec. 15. 38 MRSA §1670, sub-§6, as enacted by PL 1999, c.  
779, §2, is amended to read:

42 6. **Meetings.** The committee shall meet at least ~~4-2~~ 2 times  
per year and at any time at the call of the chairs or upon  
44 written request to the chairs by 4 of the voting members.'

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

50

**SUMMARY**

This amendment does the following.

1. It changes the title of the bill.

2. It exempts wastewater treatment plants from the licensing provisions for electrical installations.

3. It deletes references to the Maine Petroleum Association in the laws affecting the memberships of the Board of Underground Storage Tank Installers and the Fund Insurance Review Board.

4. It replaces a previously repealed definition of "hospital" in the section of law that exempts hospitals from the prohibition against new biomedical waste disposal facilities. It also exempts from the prohibition a group of hospitals acting through a hospital association.

5. It clarifies that prospective rules governing certain wastewater discharges will be designated as routine technical rules unless they are incorporated within a chapter of rules that are otherwise designated as major substantive rules.

6. It deletes the provision in the bill that would extend from 2005 to 2010 the Department of Environmental Protection's authority to administer the aboveground oil storage tank spill prevention control and countermeasure plan program.

7. It reduces the frequency with which the Mercury Products Advisory Committee must meet.

**FISCAL NOTE REQUIRED**  
(See attached)

Approved: 02/05/04 *MRC*

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1655**

**An Act To Amend Certain Laws Administered by the Department of  
Environmental Protection**

**LR 2608(02)**

**Fiscal Note for Bill as Amended by Committee Amendment 'A'**

**Committee: Natural Resources**

**Fiscal Note Required: Yes**

**A**



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**Fiscal Note**

Minor savings - General Fund  
Minor savings - Other Special Revenue Fund