

STATE OF MAINE

ONE HUNDRED AND TWELFTH LEGISLATURE SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON

ENERGY AND NATURAL RESOURCES



MAY 1986

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> JOINT STANDING COMMITTEE BILL SUMMARIES MAY 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears. . . .

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

SUMMARY: The original bill proposed a series of technical amendments to existing law and new provisions regarding enforcement and regulatory procedures to allow the DEP to reassume responsibility for the federal Resource Conservation and Recovery Act program regulating hazardous waste. The bill was substantially amended and reported out in new draft by a majority of the Committee. A minority of the Committee supported the original bill. The new draft included additional technical issues presented by DEP and several substantive areas of change including 1) a proposal to declassify the position of assistant to the Commissioner and the four bureau directors in the DEP, 2) provisions to terminate the membership of BEP members whose terms have expired and 3) the redelegation of authority from the BEP to the Commissioner in the areas of waste water discharges and large subdivisions. The House adopted the majority report. The Senate adopted the majority report but attached two amendments; one made several minor changes in a provision related to compliance orders (SB-480) and one removed the sections of the bill dealing with declassification of DEP positions (SC-482). Another amendment (SA-479), which removed both the declassification provisions and the redelegated authority was defeated in the Senate. Subsequently the House adhered to its position and the Senate receded and concurred with House action.

LDAN ACT CONCERNING RADIOACTIVE WASTEPL 19852371ACTIVITY AND DISAPPROVING HIGH-LEVELC. 802RADIOACTIVE WASTE SITES IN THE STATEC. 802

Sponsor: KANY, Mitchell, Coles, Holloway Committee Report: New Draft/New Title of LD 2260.

S-477 BROWN, L. H S

SUMMARY: The original bill would have required Maine to veto the selection of any high-level radioactive waste disposal site in this State which is selected by the federal government, unless the Governor and the Legislature determine that such a disapproval is inappropriate. The bill was determined to be an inadequate statement of disapproval and a new approach was sought which would strengthen the State's position.

Office of Policy and Legal Analysispage 28 Energy & Natural Resources The New Draft in New Title is designed to directly express the State's disapproval of the sites now under consideration and to strengthen the State's case for legal challenge should a site in Maine be selected and should Congress override Maine's veto. The new bill removes or countermands existing statutory language which might be construed as providing prior State approval of a site. The bill clearly states that the State does not consent to federal acquisition of land in Maine for use as a high-level radioactive waste disposal site and provides that if the Federal Government continues attempts to locate such a site in Maine notwithstanding that disapproval, Legislative approval of specific activities is required.

The Senate Amendment was presented by the Committee on Bills in Second Reading to correct a cross reference.

\mathbf{LD}	AN	ACT RELATING	TO AIR	EMISSION	LICENSES	PL	1985
2384	IN	NONATTAINMEN	T AREAS			c.	745

Sponsor: VOSE, Carpenter, Tammaro, Moholland Committee Report: New Draft of LD 2307.

S-496 USHER H S

SUMMARY: The original bill proposed to change the air quality laws aimed at allowing the DEP to issue conditional air quality licenses in the absence of complete information of air quality impact. The original bill also sought to limit the tests an air pollution source in a nonattainment area would have to meet in order to be licensed. The original bill would also have eliminated the state's authority to administer the visibility provisions of the federal Clean Air Act. The Committee substantially amended the bill and unanimously approved a new draft. The new draft revised the state's authority to regulate air pollutants so as to protect visibility by adding explicit reference to key provisions of the federal Clean Air Act. The new draft also allows the DEP to issue license renewals with a time period to allow the licensee to install and bring to full operation the pollution control equipment necessary to meet the terms of the license.

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