

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
ENERGY AND NATURAL RESOURCES
BILL SUMMARY



JUNE 1987

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JOINT STANDING COMMITTEE
BILL SUMMARIES
JUNE 1987

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. The summaries are arranged by LD number under each committee.

All Adopted 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 "COMMITTEE" if it is a committee amendment.

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

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

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-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Sponsor: SIMPSON, Jacques, Høglund, Holloway
Committee Report: OTP-A
Amendments Adopted:
H-350 COMMITTEE
H-359 MICHAUD

SUMMARY: The original bill proposed a number of provisions related to ground water protection. A number of these were addressed in separate legislation and are not described further here (See LDs 1597, 1448, 1749, 1862). A bill with many similar provisions (LD 1507) was also considered by the committee.

The bill provided protection for private ground water sources from actions by the state or local governments in road building or maintenance and from actions by private parties in certain situations. These provisions were adopted by the committee.

With the committee amendment, the bill made a variety of procedural and technical changes to the underground oil storage tanks law. Three major changes to this law were made. First, the bill included a 5-year removal schedule for underground oil storage tanks constructed of materials not approved by the Department of Environmental Protection (eg: bare steel or other corrodible materials). The schedule was modified by the committee to provide a 10-year, phased removal schedule after receiving testimony that the ability of the private sector to remove tanks was limited and would not be able to achieve the shorter schedule.

Second, the bill was amended to include a requirement that "class 1" liquids (eg: gasoline) storage tanks be removed only under the supervision of professional firemen or by state-certified underground tank installers.

Third, the bill was also amended to substantially revise the ground water damage claims process. The current process involves arbitration between the damaged parties and the parties responsible for the damage. The amended version approved by the committee sets up a different claims process which involves only the damaged parties and the Department of Environmental Protection overseen by an independent hearing examiner.

The original bill proposed new fees on certain hazardous substances. These provisions were replaced by an entire new fee structure on hazardous wastes based on weight as opposed to volume.

Finally, the bill authorized studies of health and environmental threats from above-ground oil and hazardous materials storage tanks and the development of program to handle small quantities of hazardous wastes from small businesses and households.

The House amendment (H-359) corrected a technical drafting error in the committee amendment.

LD 864 AN ACT TO AMEND THE LAWS RELATING TO AND ADMINISTERED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. PL 1987 c. 192

Sponsor: MICHAUD, Jacques, Mitchell, Usher
Committee Report: OTP-A
Amendments Adopted:
H-132 COMMITTEE
H-137 BROWN

SUMMARY: The original bill was omnibus legislation for the Department of Environmental Protection. Many provisions corrected technical problems with existing statute or made minor revisions to administrative and procedural aspects of environmental law.

The committee amendment deleted two sections dealing with salt storage facilities. This topic is the subject of other legislation considered by the committee (See LD 1749). Several provisions of the bill amended solid and hazardous waste law dealing with normal and emergency clean-up (compliance) orders. The bill also establishes an "Uncontrolled Sites Fund" to provide for long-term oversight of hazardous waste sites. Sources of funding will include the settlements received by the State under the Uncontrolled Hazardous Substance Site Law. The committee amendment incorporates the substance of LD 245 dealing with court jurisdiction over land use law (in different statutory form) which was rereferred to the committee from the Judiciary Committee.

A floor amendment from the Committee on Bills in Second Reading (H-137) corrected a drafting error in the original bill.