

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

House Amendment (H-382) requires a vote to be held within a municipality or unorganized township selected for a LLW disposal site. Approval by 60% of those voting is required before the facility can be located there. House Amendment (H-396) clarifies the process for assessment of fees on generators of LLW to be paid into the Radioactive Waste Evaluation Fund and on generators and users to be paid into the Low-level Radioactive Waste Facility Fund. (Note that a mistake was made in printing the language amending \$1535 (assessment of planning, siting and construction costs). When the amendment was printed, an assessment of \$2,000,000 was omitted for the year 1990. That omission should be corrected at the first opportunity. The cap on assessments remains \$10,000,000.)

**LD
1868**

AN ACT TO AMEND THE LAWS ADMINISTERED BY THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION.

PL 1987
c. 419

Sponsor: USHER, Perkins, Dexter
Committee Report: ENG W/O REF
Amendments Adopted:
H-383 JACQUES

SUMMARY: This bill was engrossed without reference to committee. LD 1868 was essentially a "new draft" of LD 1709 though it was offered by the Governor's office as separate legislation. It was also very similar to LD 864, a departmental omnibus bill considered by the committee earlier in the session. The remaining provisions of LD 1868 accomplished several additional objectives:

1. Included air quality law within the jurisdiction of district court through the "Rule 80-K" process to facilitate enforcement.
2. Created a new policy-influencing position in the Department of Environmental Protection to head up a new Bureau of Administration.
3. Revised the license fee structure and the authority governing the expenditure of revenues generated by these fees.
4. Prohibited timber harvesting within 250 feet of the water in resource protection zones under the shoreland zoning law.
5. Amended the new overboard discharge law (see LD 1268) to specifically exempt federal and state facilities from the ban on new overboard discharges.

6. Exempted certain unpowered, oil-carrying vessels from the laws governing vessels at anchorage.
7. Corrected a cross reference in the hazardous waste law.
8. Authorized the attachment of a "super-lien" on the property of persons illegally discharging hazardous substances and persons responsible for an uncontrolled hazardous waste site. Such a "super-lien" would have precedence over all other claims on the property filed on or after June 1, 1987. This provision was amended by LD 1883 later in the session. LD 1883 also was engrossed without reference to committee. The effect of LD 1883 was to limit the "super-lien" authority only to real estate which encompassed the uncontrolled hazardous substance site and adjoining property effectively under the same ownership. All other property held by responsible parties would be subject to a normal lien.
9. Amended an unallocated section of the 1985 Departmental omnibus legislation as it affected the personnel status of the bureau directors. The effect of the amendment is to allow the Commissioner to replace bureau directors through reassignment while retaining the 3-year protection of salary of the current directors.

The floor amendment struck all provisions redundant with LD 864 and amended the provisions dealing with the overboard discharge law. The floor amendment makes it clear that new state facilities are subject to the prohibition on new overboard discharges. The floor amendment made provision for expansions of existing discharges from existing state or federal facilities along the same lines as provided for expansions of overboard discharges from existing commercial facilities. Finally, the floor amendment added an emergency preamble to the bill.

LD
1883

AN ACT TO CLARIFY THE HAZARDOUS WASTE LIEN LAW.

PL 1987
c. 540
EMERGENCY

Sponsor: MARTIN J, Pray, Murphy, Perkins
Committee Report: ENG W/O REF

SUMMARY: LD 1883 was engrossed without reference to committee. The effect of LD 1883 was to limit the "super-lien" authority (see LD 1868) only to real estate