

MAINE STATE LEGISLATURE

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STATE OF MAINE
114TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

JUNE 1990

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**One Hundred and Fourteenth Legislature
Second Regular Session**

**Joint Standing Committee
Bill Summaries**

June 1990

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 for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. Committee Reports and Floor Action are abbreviated as follows:

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

Each individual summary was prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

LD 1608 **An Act to Clarify the Traffic Movement Standards under the
Site Location of Development Laws**

**PUBLIC 610
EMERGENCY**

SPONSOR(S)
ROLDE
JACQUES

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-731

SUMMARY

The original bill would have prevented the Board of Environmental Protection from denying a permit under the site location and development law on the basis of increased traffic attributable to a proposed development under certain circumstances. This bill was carried over by the committee to the second regular session of the 114th Legislature.

The committee amendment (H-731) replaces the original bill to codify the existing procedure used by the Department of Environmental Protection and the Department of Transportation to evaluate the impacts of traffic under the site location of development laws.

LD 1725 **An Act to Amend Maine's Underground Oil Storage Law**

**PUBLIC 865
EMERGENCY**

SPONSOR(S)
KANY
LORD
MICHAUD
JACQUES

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-1071 JACQUES
S-633

SUMMARY

LD 1725 proposed a major overhaul of the underground oil storage law and the rights and remedies available to both victims of oil pollution, and to the State in enforcing the law. It also proposed technical corrections to the laws relating to underground storage tanks to be more consistent with federal law. For these reasons and its late introduction in the first regular session, the committee was authorized to carry it over to the second session.

The first 13 sections of the committee amendment (S-633) change technical requirements for the installation and operation of underground storage tanks to bring them into conformance with federal requirements and to ensure the installation of technically sound and reliable underground storage tanks. As of April 19, 1990, all new and replacement underground oil tanks must have secondary containment. These sections also add new requirements for piping associated with underground oil storage facilities and overfill and spill prevention equipment. A registration fee of \$35 is assessed on all underground oil storage tanks, except those at a personal residence.

The remaining sections of the amendment change the Ground Water Oil Clean-up Fund to cover most of the clean-up costs and expenses incurred by owners and operators of underground tanks, including 3rd party damages if the leaking tanks are installed and operated in compliance with state law.

This fund, augmented by an increase in the per barrel fee on gasoline, petroleum products and their by-products, provides coverage for owners and operators of underground oil storage facilities to meet pending federal requirements for insurance coverage for their facilities. Owners and operators are eligible for coverage upon request, provided they are in substantial compliance with installation, removal and maintenance requirements for their facilities, the facilities are not owned by or operated by the Federal Government, and the facility is not owned or the owner is not in partnership with an entity that owns oil refining capacity. An applicant for coverage by the fund must pay a portion of the costs (a deductible) resulting from the discharge, based on the number of facilities the applicant owns. The

Commissioner of Environmental Protection may waive this requirement for homeowners if they cannot afford the deductible. Any costs paid by the fund that exceed \$1,000,000, will be recovered from the responsible party.

Coverage for 3rd-party damage claims is expanded from current law to include all economic damages resulting from the discharge up to \$200,000 per claimant. Such an award is not an exclusive remedy.

A commercial risk pool account also is created within the fund as part of this amendment. This account would cover the first \$100,000 of any 3rd-party damage claims resulting from a leak from any bare steel tanks not cathodically protected in commercial use. Owners of these tanks are required to pay an increased registration fee in addition to being liable for increased assessments if the fund is not sufficient to cover all the eligible costs.

A house amendment (H-1071) made technical corrections to the bill.

LD 1822 An Act to Provide for a Clear Definition of the High-water Mark of Artificial Bodies of Water LV/WD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CLARK H PRAY	LV/WD	

SUMMARY

This bill would have required the Maine Land Use Regulation Commission to establish, by rule, a definition of the high-water mark of artificial bodies of water that is distinct from the definition relating to naturally occurring bodies of water.

**LD 1829 An Act to Prohibit the Use of Herbicides in the Allagash Wilderness Waterway PUBLIC 637
EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARTIN J JACQUES KANY ANDERSON	OTP-AM	H-768

SUMMARY

The original bill would have prohibited the application of herbicides in the Allagash Wilderness Waterway.

The committee amendment (H-768) revises the original bill to define the term, "herbicide", fix technical errors and make violations of a ban on herbicide use subject to penalty provisions of the Pesticides Control Board. A ban on spraying herbicides within the restricted zone is added. Although this practice is banned by rule, there has never been a statutory restriction on herbicide use in the waterway. The amendment also prohibits herbicide use in the waterway outside the restricted zone prior to December 1, 1990, to allow the State time to reevaluate the use of herbicides within the waterway. LD 1874 establishes a study to evaluate herbicide use in forestry.

Finally, the amendment deletes a requirement for forest landowners to request continued treatment under the Tree Growth Tax Law for their lands before a forest management plan is completed.