

# 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.

Administrative Procedures Act are not relevant to LURC zoning requirements. The bill amends the provisions of the Commission's statute relating to zoning to streamline the administration of the 25 to 30 zoning petitions received by the Commission each year.

The bill also modifies the current provision that specifies a 60-day deadline for processing subdivision applications. The 60-day deadline is retained while clarifying that the deadline applies to applications completed and ready for processing and applications for subdivisions where the proposal is located in a zone in which subdivisions are a permitted use. Most proposals for subdivisions currently require an area to be rezoned as a development district and a subdivision cannot be approved until that zone change has been approved. This provision allows the Commission to handle the zoning petitions and subdivisions in a coordinated manner, without having to decide a subdivision application prematurely to meet the statutory deadline.

The committee amendment (H-990) incorporates changes to the section of law amended in this bill made this session in other legislation (PL 1989, ch. 624).

**LD 2360**      **An Act to Amend the Laws Governing the Maine Environmental Protection Fund**      **ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
PERKINS LUDWIG	ONTP	

**SUMMARY**

This bill would have established new fees and increased some existing license and certification fees of the Department of Environmental Protection. (See also LD 2432)

**LD 2364**      **An Act to Establish Fees for Nonferrous Mining**      **LV/WD**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
ANDERSON LUDWIG DEXTER	LV/WD	

**SUMMARY**

The bill would have established a maximum processing fee of \$90,000 for nonferrous metal mining applications and a maximum annual licensing fee of \$10,000. It also would have required the Department of Environmental Protection to promulgate rules for mining by November 1, 1989. (See LD 2416)

**LD 2368**      **An Act to Reduce Toxics in Packaging**      **PUBLIC 849**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CURRAN KANY GARLAND HUTCHINS	OTP-AM	H-1020

**SUMMARY**

This bill, as amended by the committee (H-1020), provides for the reduction of lead, mercury, cadmium and hexavalent chromium in packaging or packaging materials used or sold within the State. Manufacturers and suppliers of packaging or packaging materials are required to reduce the sum of the concentration levels

of these heavy metals to 600 parts per million by April 1, 1992; 250 parts per million by April 1, 1993; and 100 parts per million by April 1, 1994. The bill also prohibits the intentional introduction of heavy metals in packaging and packaging components. An exemption process is provided for packaging made from recycled materials and for packaging with excessive heavy metal content that is essential to the protection, safe handling or function of the package's contents.

Certificates of compliance for packages and packaging components will be filed by manufacturers with the Maine Waste Management Agency. The agency will provide public access to packaging information by providing copies of the certificates of compliance. The agency will review the law to determine its effectiveness and submit a report to the Governor and the Legislature in 1993. The Department of Agriculture, Food and Rural Resources will enforce the provisions of the law.

**LD 2388      An Act to Amend the State's Hazardous Materials and  
Underground Tank Installer Laws**

**PUBLIC 845  
EMERGENCY**

**SPONSOR(S)**

DEXTER  
MICHAUD

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-1026 MICHAUD  
H-961

**SUMMARY**

The Department of Environmental Protection administers a license and fee program for over-the-road and over-the-rail transportation of hazardous materials. In the past one and one half years, confusion has resulted from using 2 separate lists of materials as the basis for the collection of fees. This bill changes the list used for fee collection to the hazardous materials list of the federal Department of Transportation. This bill also replaces the current system of vehicle-specific licensing with a fleet licensing process.

The bill also alleviates technical problems created by the enactment of Public Law 1989, chapter 312, which made the Class 1 underground storage tank installer class too restrictive. In addition, this bill increases the enforcement authority of the Board of Underground Storage Tank Installers to temporarily suspend installers' certificates if warranted.

The committee amendment (H-961) reduces the annual and trip permit fees for hazardous material transport licenses and clarifies apportionment provisions for fees and enforcement provisions.

The amendment prohibits Class 1 underground oil storage tank installers from installing impressed-current cathodically protected tanks. The amendment also limits the type of tank an underground gasoline storage tank remover may remove as part of the certification process and removes sections in the original bill dealing with biomedical waste. (See LD 2354) A fiscal note is added to the bill.

This bill was further amended in the House (H-1026) to clarify that the jurisdiction of the Board of Underground Storage Tank Installers, that is concurrent with the Administrative Court, includes license revocation.