

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES**

AUGUST 1991

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION
JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1991**

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<i>Action incomplete when 1st session ended</i>

These summaries were 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.

If you have any suggestions or comments on these summaries, please let us know.

3. A requirement for training personnel for wildlife rehabilitation following an oil spill has been removed so that a plan is in place before any training occurs.
4. The authority for allocations for sensitive area mapping is sunsetted after fiscal year 1994-95.
5. Personnel and equipment expenses are included in state expenses to be reimbursed by a person responsible for an oil spill.
6. Attorneys hired by the Department of Environmental Protection will be reviewed by the Attorney General.
7. The effective date of the fee increase for oil transfers is postponed to May 1, 1991 and the marine oil spill contingency plan development and adoption are postponed.
8. The 1¢ per barrel fee increase has a sunset provision and is removed on July 1, 1994.
9. The allocation section is amended to more accurately reflect the scope of work required.

A Senate amendment (S-266) makes the effective date of the fee increase July 1, 1991 to avoid any retroactivity of fee collections.

LD 112 An Act to Ensure Adequate Enforcement of Air Quality Law PUBLIC 384

SPONSOR(S) MICHAUD JACQUES	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED H-578
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SUMMARY

This bill establishes an annual air emission license fee based on the amount of pollutant a licensee emits. The fees generated by this increase will be dedicated to staffing and operating the Bureau of Air Quality Control.

The committee amendment (H-578) amends the original bill to allow the Commissioner of Environmental Protection to adjust per ton fees for air pollution emissions based on the Consumer Price Index. The amendment also increases the maximum fee to \$100,000 per year and stipulates that the bill will take effect on November 1, 1991. The Commissioner of Environmental Protection is required to report to the Legislature on the results of the fee increase proposed by this bill and on anticipated changes to meet federal requirements. The Board of Environmental Protection is required to adopt rules for ambient air quality modeling. The amendment also specifies operating and data requirements for licensing.

LD 114 An Act to Exempt Certain Activities from the Site Location of Development Laws PUBLIC 160

SPONSOR(S) COLLINS TWITCHELL ANDERSON	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED H-184 JACQUES S-64
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SUMMARY

This bill would have exempted nonresidential developments from review by the Department of Environmental Protection under the site location of development laws if the project did not require an air emission license or a waste discharge license, did not cause significant increases in retail traffic in the

vicinity of the project and was located in a municipality that has a planning board or municipal reviewing authority, a code enforcement officer and an appeals process for aggrieved parties.

The committee amendment (S-64) replaces the original bill and narrows the exemption from site location of development review to developments that consist only of a storage facility, rather than the broader exemption under the bill. Under the amendment, these developments must not exceed a threshold size and must meet specific standards. In order for a development to qualify for this exemption, the municipal reviewing authority must agree to review the project and find that the project meets the standards set forth in this exemption.

A House amendment (H-184) corrects an ambiguity in the bill's language.

LD 131 An Act to Regulate Further Ozone-depleting Products PUBLIC 11

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GOODRIDGE HEESCHEN COLES TITCOMB	OTP-AM	H-18

SUMMARY

This bill prohibits the sale of certain products that contain chlorofluorocarbons after January 1, 1992. A committee amendment (H-18) adds a fiscal note to the bill.

LD 139 An Act to Exempt the Replacement, Repair and Maintenance of Road Culverts from State Permit Requirements PUBLIC 46

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ANDERSON MARTIN J COLLINS BAILEY R	OTP-AM	H-43 H-50 JACQUES

SUMMARY

The bill proposed to exempt the replacement, maintenance and minor repair of road culverts from permits required under the natural resource protection laws, the site location of development laws and the mandatory shoreland zoning laws.

Committee Amendment "A" (H-43) replaced the bill. The amendment changes the title of bill and clarifies the intent of the original bill to exempt the repair, maintenance and replacement of existing road culverts from permitting by the Maine Land Use Regulation Commission and the Department of Environmental Protection under the natural resource protection laws and the shoreland zoning laws. Culvert construction standards not related to permitting are not affected by this amendment.

House Amendment "A" (H-50) reflected rule changes adopted by the Board of Environmental Protection pertaining to the regulation of culverting activities under the natural resources protection laws.