

MAINE STATE LEGISLATURE

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STATE OF MAINE
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

MAY 1992

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1992

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 far right of the title. Various types of final action are abbreviated as follows:

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

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, especially Laurette Knox who coordinated preparation of the overall document.

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

LD 1289 An Act to Promote Comprehensive and Consistent Statewide Environmental Policy and Regulation

PUBLIC 863

SPONSOR(S)
GOULD R A
TARDY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-900
S-763 BRANNIGAN

SUMMARY

This bill would have prohibited municipalities from adopting or enforcing ordinances that address forest practices or pesticide control in the State and would have repealed provisions allowing various forms of municipal ordinances to regulate activities already regulated by the State. The bill specified that state law preempts municipal ordinances unless municipalities are expressly granted the power to regulate.

Committee amendment "A" (H-900) replaced the entire bill. The amendment requires a review of the proposed timber harvesting ordinance by a licensed professional forester prior to its adoption. Review by a forester would be in addition to the existing requirement that municipalities develop timber harvesting ordinances in consultation with the Department of Conservation.

Senate amendment "A" (S-769) clarified that the provisions of the bill do not impose a mandate on municipal or county governments.

LD 1372 An Act to Improve the Efficiency and Effectiveness of the State's Natural Resources Protection Programs

PUBLIC 804

SPONSOR(S)
GWADOSKY
CAHILL P
PRAY
WHITCOMB

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-1190

SUMMARY

The bill would have established an Environmental Appeals Board in the Department of Environmental Protection and modified the role of the existing Board of Environmental Protection. The bill would also have expanded the duties of the Commissioner of Environmental Protection and changed procedures for rulemaking and application processing.

Committee amendment "A" (H-1190), which was divided into 4 parts, replaced the entire bill.

Part A of the committee amendment requires that the Board of Environmental Protection respond to comments received during rulemaking regarding how the proposed rule compares to federal minimum standards. Part A also requires the Commissioner of Environmental Protection to submit a study on environmental priorities, contingent upon available funding, and to review the performance of the permit by rule program of the Department of Environmental Protection.

Part B establishes a procedure that requires the Commissioner of Environmental Protection to publish timetables for new permit and license applications. Provisions are included for stopping the processing period on any given permit or license application and for extending the deadline for deciding upon an application. If the commissioner does not accept or reject an application within the applicable timetable, the applicant is entitled to reimbursement of 50% of the permit or license processing fee. The applicant is entitled to reimbursement of the remainder of the processing fee if a decision is not made within 120 calendar days after the deadline.

Part C establishes the Technical and Environmental Assistance Program within the Department of Environmental Protection. The Pollution Prevention Advisory Committee is established, consisting of the members of the former Toxic Reduction Advisory Committee, which is abolished in this amendment. Three new voting members are added to the advisory committee: 2 persons selected by the Governor from elected or appointed municipal officials and the Commissioner of Environmental Protection or the commissioner's designee. The duties of the Pollution Prevention Advisory Committee include the duties of the former Toxic Reduction Advisory Committee. The committee is also charged with advising the commissioner on the functioning of the Technical and Environmental Assistance Program and reviewing the functions and programs administered by the Office of Pollution Prevention.

Part D requires the Maine Land Use Regulation Commission to prepare maps of freshwater wetlands within the jurisdiction of the Maine Land Use Regulation Commission and to report to the joint standing committee of the Legislature having jurisdiction over energy and natural resources matters on those efforts by March 1, 1993. Part D also adds an appropriation section.

LD 1513 An Act Relating to Best Practicable Treatment Determinations PUBLIC 658
in Air Emission Licensing

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GOULD R A LUDWIG THERIAULT ANDERSON	OTP-AM	H-907

SUMMARY

This bill was carried over from the first session of the 115th Legislature. Current law requires an air emissions source undergoing license renewal to provide the Department of Environmental Protection with an analysis of emission control options to enable the department to make a best practicable treatment finding. This bill proposed to define best practical treatment as emissions that are being controlled in a manner consistent with similar sources if additional controls are not necessary to meet emission limits or ambient air quality standards. This bill also would have blocked the use of a fuel with a lower sulfur content than required by statute as a "best practicable treatment" option.

The committee amendment (H-907) strikes the original bill. It repeals the existing statutory air emission licensing language, enacts a reorganization of that language and modifies the requirement for a best practical treatment evaluation. This amendment exempts air emission sources from this evaluation if the existing air pollution control equipment was originally licensed less than 15 years prior to the date of relicensure or if the source is being controlled consistent with other emission sources of similar age and design unless other situations detailed in this amendment trigger a need for analysis.

This amendment also clarifies that the Department of Environmental Protection can require operational and other pollution-mitigating measures on an emission source as a condition of relicensure. The committee amendment also adds a fiscal note to the bill.

LD 1540 An Act to Improve Coordination of Municipal and State Review ONTP
of Environmental Permits

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LUDWIG GOULD R A	ONTP	

SUMMARY

This bill would have allowed the Commissioner of Environmental Protection to review municipal