

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.

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

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

SUMMARY

The purpose of this bill is to reduce duplicative review by state and municipal reviewing authorities for projects regulated under the natural resource protection laws and the site location of development laws. This bill proposes to allow the Commissioner of Environmental Protection to review municipal comprehensive plans and land use regulations to determine if they offer protection consistent with the standards of the natural resource protection laws and the site location of development laws. If so, the commissioner may substitute the municipal review and permit for Department of Environmental Protection review.

LD 1551 An Act to Supplement State Environmental Enforcement CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
COLES MARSH TREAT		

SUMMARY

This bill proposes to allow Maine residents to initiate enforcement actions for alleged violations of laws protecting the environment and the State's natural resources.

LD 1577 An Act to Amend Certain Laws Affecting the Department of Environmental Protection PUBLIC 499 EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ANDERSON GOULD R A	OTP-AM	H-630 H-666 JACQUES

SUMMARY

This is the Department of Environmental Protection's omnibus bill. It requires that those vehicles involved in the transportation of liquefied petroleum gas or liquefied natural gas obtain a hazardous materials transport license. It removes the term restrictions for the representative from the Department of Environmental Protection on the Board of Underground Oil Storage Tank Installers.

The bill amends the underground tank installers laws to specify that civil penalties for disciplinary action authorized by Public Law 1989, chapter 845 accrue to either the Ground Water Oil Cleanup Fund or the Hazardous Waste Fund.

The bill allows persons with individual or commercial licensed overboard discharges eligible for a state contribution for the removal of the discharge to proceed with the removal and be reimbursed in the future when the specific removal gains a sufficiently high position on the Department's priority list.

The bill increases the permit and permit renewal term for solid waste disposal areas that are within 300 feet of classified surface water from 2 years to 5 years to conform with other solid waste permit and renewal terms. The bill also makes certain technical changes to the water classification law.

The bill clarifies the department's enforcement authority under the site location and development laws. Provisions of a department order or permit are enforceable against anyone having an interest in, or undertaking an activity on, a parcel of land affected by an order or permit.

The bill increases the amount of soil contaminated with gasoline or #2 fuel oil that can be processed at rotary drum mix asphalt plants from 500 cubic yards to 10,000 cubic yards per year. The bill also removes the requirement for air emissions tests if the 10,000 cubic yards ceiling is not exceeded. This provision is amended by the committee amendment.

The bill amends the definition of "friable" as it pertains to asbestos and asbestos containing materials to also include nonfriable materials that have been crushed or altered in some manner that increases the likelihood of asbestos fibers being released by the materials. LD 1357 amended the definition so this section was deleted from the bill by the committee amendment.

The bill amends the municipal approval requirements for privately owned septage disposal sites to be consistent with the municipal ordinances, zoning and land use controls.

The bill clarifies the Department of Environmental Protection's interpretation of what constitutes a violation of state law when a discharge of hazardous matter occurs. This section is rewritten in the committee amendment.

The bill deletes a requirement that repayments to the Hazardous Waste Fund be made from any federal funds received by the department to develop mining rules.

In addition, the committee amendment (H-630) alters the original bill in several important ways.

1. The laboratories of the Department of Environmental Protection and the Department of Human Services are combined into one Health and Environmental Testing Laboratory. Transition language is included to clarify the allocation of current liabilities, assets, employees and equipment. These changes are scheduled to take effect on July 1, 1991.
2. A certification requirement for all laboratories analyzing samples for use in any state program is established. The Department of Human Services will develop criteria for certification.
3. Fees collected from liquefied petroleum gas or liquefied natural gas are apportioned in a different manner than other fees collected for hazardous materials transport licenses.
4. A fee schedule for Department licenses and permits adopted by the Legislature in 1988 is reenacted after it lapsed due to a sunset provision.
5. The general prohibition on the discharge of hazardous matter is amended to clarify that gaseous emissions into buildings or structures not designed for secondary containment are included in the prohibition.
6. Language is added to several sections of the bill to clarify its intent.
7. An emergency preamble and clause, an allocation and a fiscal note are added to the bill.

A House amendment (H-666) deletes the retroactive application of the fee schedule.