

# 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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*Tim Glidden, Principal Analyst  
Patrick Norton, Legislative Analyst  
Gro Flatebo, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207)287-1670*

IARTHA E. FREEMAN, DIRECTOR  
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BRET A. PRESTON, RES. ASST.

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

**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.

A house amendment (H-1049) clarifies that this bill is only intended to apply to automobile dismantling, recycling and salvage operations that are within 100 feet of a well covered by this bill.

**LD 2080      An Act to Promote the Beneficial Use of Industrial Residuals      LV/WD**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
ANDERSON BALDACCI LORD GOULD R A	LV/WD	

**SUMMARY**

This bill would have exempted the land application of certain industrial residuals, with the exception of pulp and paper mill wastewater treatment plant sludges, from the Department of Environmental Protection permit requirements.

**LD 2086      An Act Exempting Zoning Changes Related to the      ONTP**  
**Implementation of an Approved Growth Management Plan and**  
**Shoreland Zoning from Certain Notice Requirements**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LARRIVEE DORE	ONTP	

**SUMMARY**

This bill would have exempted municipalities that undertake zoning and rezoning of land to implement an approved growth management plan from certain public notice and public hearing provisions.

**LD 2097      An Act to Implement a Toxic Control Strategy for Maine      ONTP**  
**Waters**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MARSH MICHAUD	ONTP	

**SUMMARY**

This bill would have established at the Department of Environmental Protection a one-year monitoring program for waterborne toxic materials. The bill would have defined a class of toxic materials subject to monitoring and provided for a sampling regime. Funding for the monitoring effort would have been derived from fees levied against the facilities discharging water pollutants into the monitored waters. The Department of Environmental Protection would have reported on the results of the monitoring effort to the Legislature in 1993. See also LD 2237.

**LD 2114      An Act to Amend Certain Laws Pertaining to the Department of      PUBLIC 817**  
**Environmental Protection's Bureau of Hazardous Materials and      EMERGENCY**  
**Solid Waste Control**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LORD LUDWIG	OTP-AM	H-1191

**SUMMARY**

The bill amends the 3rd-party damage claims process for the Coastal and Inland Surface Oil Clean-up Fund to make it consistent with the process under the Ground Water Oil Clean-up Fund. It amends the time for filing, claimable items, amount that may be awarded and the procedure for resolving disputed claims. It also amends the authority of the Department of Environmental Protection to dismiss claims. The bill also amends the Ground Water Oil Clean-up Fund 3rd-party damage claim process to provide the responsible party a voice in claim resolution.

The bill also amends the hazardous matter control laws and the hazardous waste fund laws to provide for a collection agency or agent or an attorney retained by the department with the approval of the Attorney General to seek reimbursement of expenditures made from the Maine Hazardous Waste Fund.

The bill removes the restriction on the use of rotary drum mix asphalt batch plants located in ozone nonattainment areas with respect to the processing of oil-contaminated soil.

The committee amendment (H-1191) replaces the original bill but retains the key provisions outlined above. It provides for appropriate cross references between the Maine Revised Statutes, Titles 32 and 38 and authorizes the Board of Underground Storage Tank Installers to examine fire-fighting personnel who want to supervise underground oil storage tank removals. The Class 1 installer category is repealed and the requirements are incorporated into a Class 2 certificate.

The amendment deletes the provision in current law that requires the person causing an oil discharge to apply to the Maine Coastal and Inland Surface Oil Clean-up Fund for expense reimbursement.

The amendment defines "coastal waters" consistent with the laws administered by the Department of Marine Resources. The exclusivity of the remedy provided by the Maine Coastal and Inland Surface Oil Clean-up Fund is maintained for coastal discharges but eliminated for inland discharges. Third-party damage claims continue to be capped at \$200,000 for inland spills as proposed in the original bill. Medical expenses are limited to those arising from physical, bodily injury. The claim period proposed in the original bill is shortened to 12 months for coastal spills.

The Commissioner of Environmental Protection is required to write to any person affected by oil discharges under the Maine Coastal and Inland Surface Oil Clean-up Fund and the Ground Water Oil Clean-up Fund to inform them of the 3rd-party damage claims process.

The procedure for assessing fees under the Maine Coastal and Inland Surface Oil Clean-up Fund once the fund reaches the \$6,000,000 cap is changed. The commissioner is required to give a 15-day notice before fees are abated or reimposed. A similar provision is enacted for the Ground Water Oil Clean-up Fund.

The amendment also addresses a conflict in the statutes for the Ground Water Oil Clean-up Fund and adds a fiscal note to the bill.

**LD 2126 An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission**

P & S 92

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>	
MARSH	OTP-AM	MAJ	H-1077	JACQUES
BALDACCI	ONTP	MIN	H-957	MAJ REP
GOULD R A				

**SUMMARY**

The committee amendment (H-957), the majority report of the committee, repeals the original bill and