

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.

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

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED	
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

replaces it with a provision to exempt certain lots within the jurisdiction of the Maine Land Use Regulation Commission from full subdivision review.

If a lot is part of a subdivision that was platted between April 20, 1988 and September 30, 1989, consists of a parcel of at least 40 acres and less than 100 acres and is located at least 1/4 mile from the shore of any major water body, then that lot may be reviewed under the commission's chapter 16 rules. These rules impose certain standards and restrictions on these lots. Any lots within that subdivision that do not meet these criteria are subject to full subdivision review.

A house amendment (H-1077) removes the emergency preamble and emergency clause.

**LD 2133 An Act Pertaining to the Assessment of Fees on Nuclear Power
 Plants**

PUBLIC 879

SPONSOR(S)
TITCOMB

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-1234 GWADOSKY
H-1294 JACQUES
S-610

SUMMARY

The committee amendment (H-957) changes the original bill to provide for the collection of additional funds for one year from any nuclear power plant in the State for the siting, land acquisition, site characterization and licensing of a low-level radioactive waste facility. The total cap on funds is raised from \$10,000,000 to \$12,500,000.

The committee amendment deletes the cap on the amount of money the Maine Low-level Radioactive Waste Authority may raise in user fees and defines and expands the uses for which those fees may be charged.

The amendment also clarifies how impact payments will be determined and provides the authority with the ability to make incentive payments to a municipality in which a low-level radioactive disposal or storage facility is located, or to a county if the facility is located within an unorganized territory. This amendment also provides that the authority may reimburse owners of property if the value has been affected by the disposal or storage facility.

The committee amendment requires legislative approval of any incentive package offered to a locality for hosting a low-level radioactive waste disposal or storage facility through the submission to the Legislature of a bill defining the incentive package.

A house amendment (H-1234) creates the Citizens' Advisory Group to advise the Maine Low-level Radioactive Waste Authority. The Citizens' Advisory Group will be composed of no less than 20 members representing a broad cross-section of Maine's population. The Citizens' Advisory Group will meet at least 4 times a year. Members will receive expenses for attending meetings of the Citizens' Advisory Group.

Another house amendment (H-1294) requires that any user fees assessed by the Maine Low-level Radioactive Waste Authority for a storage or disposal facility be subject to legislative enactment. It also deletes a technical change from the amendment so as to continue the requirement of legislative enactment for additional assessments to any nuclear power plant in the State.