

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 2140 An Act Regarding Growth Management

**PUBLIC 722
EMERGENCY**

SPONSOR(S)

TITCOMB
LORD
JACQUES

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-573

SUMMARY

This bill would have amended the laws governing the growth management program. The statutory provisions amended by this bill were repealed on December 23, 1991 by PL 1991, chapter 622.

Committee amendment "A" (S-573) replaced the entire bill, changed the title of the bill, added an emergency preamble and made the provisions of the bill retroactive to December 23, 1991.

This amendment repeals references to the former Office of Comprehensive Land Use Planning that were not repealed when that office was abolished in Public Law 1991, chapter 622, Part F. The amendment also changes the definition of "office," as used in the Maine Revised Statutes, Title 30-A, chapter 187 from the former Office of Comprehensive Land Use Planning to the existing Office of Community Development in the Department of Economic and Community Development.

This amendment also enacts a savings clause that is intended to clarify ambiguities in the law created by enactment of Public Law 1991, chapter 622 pertaining to the status of comprehensive land use plans and zoning ordinances adopted by municipalities prior to December 23, 1991 and municipal authority with respect to adoption of impact fee ordinances. The savings clause also requires that, by January 1, 1998, all land use ordinances in a town that received a planning grant and an implementation grant from the former Office of Comprehensive Land Use Planning prior to December 23, 1991 conform to a comprehensive plan. Land use ordinances in towns that did not receive both those grants prior to December 23, 1991 must conform to a comprehensive plan by January 1, 2003. Language is also reenacted that permits the office to carry remaining balances forward twice.

This amendment also repeals the changes made to Title 30-A, section 426 by Public Law 1991, chapter 622 pertaining to the contents of a comprehensive plan in order to retain in law some guidelines for municipalities choosing to develop local growth management plans.

LD 2141 An Act to Amend Maine's Underground Oil Storage Tank Laws

**PUBLIC 763
EMERGENCY**

SPONSOR(S)

TITCOMB
ANDERSON

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-613

SUMMARY

The committee amendment (S-613) replaces the original bill. It defines a public drinking water supply to be consistent with the statutory definition used by the Department of Human Services. Sensitive geologic areas are defined in some cases by their proximity to public drinking water supplies. Section 1 exempts convenience stores that serve coffee and other beverages from the definition of public water supply for the purposes of defining a sensitive geologic area. These facilities will not be required to remove their nonconforming underground oil storage tanks on an expedited schedule.

Section 2 allows a gas station to open for business during remediation work for a leak if there is no threat to public health or safety. It also limits site assessments for a tank removal performed by a professional geologist or engineer to those removals occurring in sensitive geologic areas. Small

underground oil storage facilities for farm or home use are not required to undergo site assessment upon removal.

The amendment also allows underground oil storage tank facility owners or operators to recheck their monitoring data, gauging and monitoring equipment as well as inconclusive precision tests done as part of routine monitoring. Section 4 delays the requirement for existing underground oil storage tanks to be retrofitted with overfill and spill prevention equipment. The delay makes state law consistent with federal requirements.

This amendment enacts in statute a provision in the Department of Environmental Protection's rules that exempts an owner or operator from reporting an aboveground spill of less than 10 gallons under certain circumstances.

Under current law, an underground oil storage tank that has been out of service for more than 12 months can not be brought back into service and must be removed without regard to how well-constructed or new it is. This amendment allows underground oil storage tanks that meet certain criteria to be brought back into service.

This amendment requires the Commissioner of Environmental Protection to reimburse immediately an underground oil storage facility owner or operator for the cost of the tank removal if that person was required to remove an underground oil storage tank and the facility was not the source of the leak. Those owners are eligible for loss of income and other damages through the 3rd-party damage claim process.

The amendment requires the Commissioner of Environmental Protection to develop standards for the cleanup and remediation of oil contaminated soil and ground water under various scenarios and report to the legislature on the implementation of those standards.

The amendment also adds a fiscal note to the bill.

LD 2149 An Act to Repeal a Provision Concerning Low Sulfur Fuel

PUBLIC 663

SPONSOR(S)

LUDWIG
ANDERSON
GOULD R A

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-544

SUMMARY

This bill proposed to repeal a section of law governing sulfur content of fuel that also exists in the form of a Department of Environmental Protection rule.

The committee amendment (S-544) retains the current standards for low sulfur fuel in law and repeals certain operational requirements. These requirements are addressed in rules of the Department of Environmental Protection.

LD 2157 An Act to Improve the Efficiency and Effectiveness of the State's Natural Resources Protection Programs

ONTP

SPONSOR(S)

MITCHELL J

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have established a Council on Environmental Quality and required that council to submit a biennial state of the environment report to the Governor and the Joint Standing Committee on Energy and