

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.

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)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LUDWIG ANDERSON GOULD R A	OTP-AM	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)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MITCHELL J	ONTP	

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

Natural Resources. The bill also would have abolished the existing Board of Environmental Protection and replaced it 3-member professional board.

LD 2159 An Act Related to Hydropower Relicensing Standards

PUBLIC 813

SPONSOR(S)

PRAY
HOGLUND
LUDWIG
LORD

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-752

SUMMARY

This bill, as replaced by Committee amendment "A" (S-752), changes the standards used to evaluate the water quality impact of hydropower facilities on the aquatic life and habitat of the impounded and certain downstream waters. These evaluations occur in two procedural situations. The first is the state certification of water quality under section 401 of the federal Clean Water Act at hydroelectric facilities being relicensed by the Federal Energy Regulatory Commission. The second is state licensing of any modifications of any existing hydroelectric facility. Parts A, B and C deal only with existing facilities. Part D applies only to the licensing of new hydroelectric facilities. Part E deals only with the classification of specific water bodies.

Part A applies only to impoundments of existing facilities that are classified GPA, the great pond classification. The impoundments of this class that are subject to large water level fluctuations are required only to maintain the "structure and function" of the aquatic life currently in the impoundment and to maintain a level of water quality sufficient to support indigenous fish species. All other GPA impoundments at existing facilities must meet the aquatic life standard for Class C waters. Impoundments that meet the GPA requirements are not allowed to use the lower aquatic life standard provided by this Part.

Part B applies only to impoundments of existing facilities that are classified as A, B or C waters. Class A or B impoundments must meet the aquatic life standard for Class C waters. Impoundments that meet the requirements of their current classification are not allowed to use the lower aquatic life standard of Class C waters. Provision is made for consideration and possible implementation of changes in the operation of hydroelectric facilities on A, B or C water that would result in the improvement of aquatic life in the impoundment in certain limited situations.

Part C provides a Class C aquatic life standard for certain river stretches immediately downstream from several existing hydropower projects.

Part D of this bill clarifies the intent of the narrative standards provided in statute for habitat and aquatic life as those are applied to new hydropower projects. The purpose of this section is to clarify the existing statutes and to recognize that changes in habitat or aquatic life due to human activity may be consistent with the existing water quality standards provided that the resulting diversity and abundance of aquatic life and the composition of the resulting aquatic community meet the requirements of the applicable classification. Express provision is made that the Legislature intends no substantive change in the aquatic life or habitat standard of water quality law.

Part E of this bill makes classification changes on specific water bodies. These changes correct errors made in previous reclassifications. These include mainstem river impoundments mistakenly classified currently as great ponds and segments upgraded beyond attainable levels given existing discharges. This part also makes changes in the geographic definition of certain river stretches. In addition, the classification of Squa Pan Stream is changed from A to C. This change implements the results of an analysis conducted by the Department of Environmental Protection and Maine Public Service Company in consultation with the federal Environmental Protection Agency. Finally, this part provides for the