

## STATE OF MAINE 115TH LEGISLATURE

## SECOND REGULAR SESSION

# BILL SUMMARIES JOINT STANDING COMMITTEE ON ENERGY AND NATURAL RESOURCES

**MAY 1992** 

**MEMBERS:** \*Sen. Bonnie L. Titcomb Sen. John E. Baldacci Sen. Margaret G. Ludwig

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\*Denotes Chair

## Staff:

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 /ILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST ULIE S. JONES, PRINCIPAL ANALYST IAVID C. ELLIOTT, PRINCIPAL ANALYST ON CLARK YAN M. DYTTMER IRO FLATEBO EBORAH C. FRIEDMAN IICHAEL D. HIGGINS ANE ORBETON



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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.

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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 PUB
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SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PRAY	OTP-AM	S-752
HOGLUND		
LUDWIG		
LORD		

### 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 application of the changes in this Act to all proceedings before the Department of Environmental Protection, whether pending on or filed after the effective date of this Act.

## LD 2161 An Act to Eliminate or Modify Certain Environmental Licensing and Permitting Requirements of the Department of Environmental Protection (Reported Pursuant to Joint Order, HP1508)

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
	ONTP	

#### SUMMARY

This bill would have eliminated certain duties of the Department of Environmental Protection, including the submission of the annual imported solid and special waste report, the holding of mandatory public hearings for the solid waste disposal facilities, the licensing of septage storage tanks; the licensing of recycling facilities handling separated refuse, the licensing of storage areas associated with scrap metal, junk or automobile salvage operations and the administration of the local landfill training program. The bill also would have prohibited sea walls in coastal sand dunes and permanent docks in great ponds, created exemptions from permitting requirements for fisheries and wildlife habitat improvement projects and boat ramp construction projects and exempted Maine industries and municipalities that hold valid national pollution discharge elimination system permits issued by the federal Environmental Protection Agency from the requirement to have a Maine wastewater discharge license.

## LD 2163 An Act to Amend the State's Oil Spill Prevention and PUBLIC 698 Response Provisions (Reported Pursuant to Public Law 1991, chapter 530)

 SPONSOR(S)
 COMMITTEE REPORT
 AMENDMENTS ADOPTED

 0TP-AM
 H-971

#### SUMMARY

This bill was proposed by the Commission to Study Maine's Oil Spill Clean-up Preparedness and represents its interim recommendations.

The bill establishes an Oil Spill Advisory Committee within the Department of Environmental Protection. New federal legislation, industry efforts and increased oil spill prevention planning make ongoing review of the State's policies and legal framework essential.

Foreign vessels and American vessels with a draft of 9 feet or more are required to take a licensed marine pilot into certain waters. Under current law, if a pilot is not taken, the vessel must pay for one. This bill removes this provision and institutes a penalty for vessels that do not take a required pilot.

The bill revises procedures and requirements for the State marine oil spill contingency plan and the Department of Environmental Protection's review of federally mandated vessel contingency plans.

The bill repeals a requirement that the Board of Environmental Protection adopt by rule resource protection priorities to be used during a spill. The commission has developed preliminary priorities and feels that these may change over time as information is developed for oil spill response on the State's geographic information system.

The bill clarifies that certain allocations from the Maine Coastal and Inland Surface Oil Clean-up Fund are for damage assessment and environmental assessment for specific spills.

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