

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.

The section imposing penalties has been rewritten to make it more consistent with state law. The cost that a public emission inspection station can charge for an inspection is limited to \$30. The amendment strikes the provision for depositing penalty fees into the Motor Vehicle Emission Inspection Fund and directs these funds to the General Fund. The committee amendment also adds a fiscal note to the bill.

A house amendment (H-1249) directs the Board of Environmental Protection to establish an exemption from the inspection fee. The amendment also directs the Commissioner of Environmental Protection to submit to the Joint Standing Committee on Energy and Natural Resources a proposal to establish a waiver for vehicles driven less than 10,000 miles during the inspection period.

LD 2309 An Act to Encourage the Wise Use and Management of Maine's ONTP
Water Resources

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MORRISON AIKMAN CLEVELAND	ONTP	

SUMMARY

This bill would have established a policy to manage surface water and ground water, reflecting the nature of surface and ground water resources as interrelated components of the hydrologic cycle. This bill would have created a new, permanent Water Resources Management Board and established its duties and responsibilities to provide a state governmental structure and procedures for the planning and management of water resources. This bill also would have created a Water Resources Management Fund based on fees from large water users to be used to carry out the board's duties.

LD 2311 An Act to Amend Various Provisions of the Laws Governing PUBLIC 794
Solid Waste Disposal Facilities EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DUTREMBLE D RICHARDS ESTY TITCOMB	OTP-AM	S-642

SUMMARY

The original bill required the Facility Siting Board to amend the criteria for determining where solid waste disposal facilities should be located and stipulates how they should be amended, amended the siting criteria by removing the provision that states a preference for siting in proximity to a generation facility and by establishing a preference for siting agency-owned special waste disposal facilities in sparsely populated areas, expanded the eligibility for property value offset payments to owners of land located within 2 miles of the boundary of a site, and removed the statutory deadlines for the site selection process and for agency development of disposal facilities.

Committee amendment "A" (S-642) changes the waste disposal facility siting criteria by removing the provision that requires a disposal facility to be located proximal to the source or sources generating the waste. The amendment also adds public drinking water protection standards to the list of standards that the Facility Siting Board must consider when siting a solid waste disposal facility and repeals the requirement that the board complete the site selection process by March 1, 1992. A provision is added to the site screening procedures of the Facility Siting Board that requires the board to make a finding that any site submitted to the Department of Environmental Protection for review conforms to the Facility Siting Board's siting standards, including ground water protection standards, geological standards and standards to protect public drinking water supplies.

The municipal reimbursement provisions in the bill are amended to clarify that costs not directly associated with procedures before the Facility Siting Board or the Board of Environmental Protection, including attorney's fees for judicial appeals, are not eligible for reimbursement.

The law governing reimbursement of property owners whose property values are affected by an agency-owned or agency-operated solid waste landfill site is amended to require the agency to adopt rules that establish the reimbursement formula and procedure, that define the impact area and that establish baseline real estate values, time lines and real estate trends.

The retroactivity clause is amended to require the Maine Waste Management Agency to reimburse the 7 municipalities selected by the Facility Siting Board on September 11, 1991 as potential disposal sites for eligible expenses incurred prior to the effective date of this Act.

LD 2312 An Act Concerning the Use of Alternative Coding Systems for Plastic Containers PUBLIC 718

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
JACQUES MARTIN J TITCOMB	OTP-AM	H-1000

SUMMARY

This bill allows the Maine Waste Management Agency to approve alternative label coding systems for certain plastic containers.

The committee amendment (H-1000) adds a fiscal note to the bill.

LD 2347 An Act to Amend the Radioactive Waste Laws PUBLIC 762

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
COLES LORD MITCHELL J	OTP-AM	H-1090

SUMMARY

This bill clarifies the responsibility and liability provisions for low-level radioactive waste. The bill:

1. Establishes a separate self-insurance fund as a trust;
2. Requires the Low-level Radioactive Waste Authority to monitor and report on any self-insurance fund that it establishes;
3. Clarifies a liability scheme for damages attributable to low-level radioactive waste and provides a right of contribution for persons that are assessed damages under this scheme that are the result of another person's act or omission. The bill exempts from this liability scheme any damages from low-level radioactive waste that has been shipped to an out-of-state facility; and
4. Allows the Low-level Radioactive Waste Authority to assess a supplemental fee on generators and, if necessary, owners of generators to cover their liability.