

# 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.



law when the municipality reviewing the project has a comprehensive plan certified by the Office of Comprehensive Land Use Planning, reasserted the authority of the Commissioner of Environmental Protection to charge application fees sufficient to cover all cost of processing permit applications and required the Maine Land and Water Resources Council to develop recommendations for the Joint Standing Committee on Energy and Natural Resources concerning methods of simplifying the environmental permitting process.

**LD 2355      An Act to Establish a Technical and Environmental Compliance Assistance Program for Businesses and Municipalities      ONTP**

| <b>SPONSOR(S)</b>                   | <b>COMMITTEE REPORT</b> | <b>AMENDMENTS ADOPTED</b> |
|-------------------------------------|-------------------------|---------------------------|
| ANDERSON<br>LORD<br>AULT<br>TITCOMB | ONTP                    |                           |

**SUMMARY**

This bill would have established a Technical and Environmental Compliance Assistance Program in the Department of Environmental Protection, Office of Pollution Production, to help businesses and municipalities comply with environmental laws involving the air, land and water. The federal Clean Air Act Amendments of 1990 require states to establish a technical and environmental compliance assistance program for small businesses by November 1992. This bill also would have created the State Environmental Compliance Advisory Panel to assess the progress of the Technical and Environmental Compliance Assistance Program and to render advisory opinions on the effectiveness of the program.

The concept of a Technical and Environmental Compliance Program was incorporated by the Energy and Natural Resources Committee into LD 1372.

**LD 2358      An Act Concerning Liability for Uncontrolled Hazardous Substance Sites      PUBLIC 811**

| <b>SPONSOR(S)</b>            | <b>COMMITTEE REPORT</b> | <b>AMENDMENTS ADOPTED</b>            |
|------------------------------|-------------------------|--------------------------------------|
| BALDACCI<br>GWADOSKY<br>KANY | OTP-AM                  | EMERGENCY<br>H-1212 JACQUES<br>S-665 |

**SUMMARY**

This bill would have incorporated recent proposed federal regulation changes into state law to protect lender security interests and limit liability when facing environmental clean-up costs. It proposed broad liability exclusion in many areas.

The committee amendment (S-665) replaces the original bill. It enacts a limited liability exemption on uncontrolled hazardous substance sites for regulated lenders if their only affiliation to the property is that they hold a security interest or foreclosed on a security interest. The lender remains liable for reimbursing the Department of Environmental Protection for clean-up costs incurred while they owned the property or held a security interest on the property up to the amount of any net proceeds from the sale of the property. The exemption is not valid if a lender is responsible in any way for the release of a hazardous substance.

A similar exemption from liability on uncontrolled hazardous substance sites is extended to political subdivisions that may have acquired ownership or control of the site through tax delinquency proceedings or other involuntary methods. These provisions are in part adapted from provisions in federal superfund laws and draft regulations interpreting those laws. The amendment also clarifies that the superlien laws enacted in 1987 applies to properties owned by municipalities.