

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.

4289GEA

The committee amendment (H-1090) replaces the original bill. It readjusts the apportionment of liability for damages caused by low-level radioactive waste in the possession of the Maine Low-level Radioactive Waste Authority.

The amendment allows a right-of-contribution action to be brought by any entity that has paid damages under the liability apportionment scheme against any person whose negligence caused those damages. The amendment also requires the authority to pursue cost-effective and reasonable remedies against negligent parties. Damages recovered by the authority are required first to be used to replenish the self-insurance fund, then to pay claims of its commercial insurer. Any further damages recovered are placed in the self-insurance fund.

Finally, this amendment clarifies the provision of law that allows the authority to assess supplemental fees. It also allows the authority to assess supplemental fees to cover costs of liability imposed under the liability apportionment scheme, including any contribution action brought against the authority for negligence.

LD 2348 An Act to Revise the Purpose of the Board and Department of Environmental Protection and to Temporarily Exempt Certain Activities from Certain Permit Requirements (Reported Pursuant to Public Law 1991, chapter 606)

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
	ONTP	

SUMMARY

This bill would have required the Board of Environmental Protection and the Department of Environmental Protection to perform their duties in a manner that includes the enhancement of the States's economic climate and that minimizes the economic impact of environmental regulations. The bill also would have created a 2 year period in which 5 types of projects were exempted from permitting requirements under the natural resources protection laws and the site location of development laws.

LD 2351 An Act to Improve the Environmental Permitting Process ONTP (Reported Pursuant to Public Law 1991, chapter 606)

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED ONTP

SUMMARY

The bill would have required the Department of Environmental Protection and the Maine Land Use Regulation Commission to develop annual reports categorizing final permit actions. The bill directed the Department of Environmental Protection and the Maine Land Use Regulation Commission to act upon a permit application without input from other agencies if those agencies have failed to respond to a written request for review within the designated time.

The bill also would have required the Department of Environmental Protection to develop a time schedule for the various steps required in processing a permit and to provide applicants who wish an earlier completion date an indication of the additional fee that this would require. If the department failed to meet a scheduled or agreed-upon time for completion, the department would have been required to refund the application fee, continue to process the permit and pay the applicant a \$100-a-day fine for each day that processing exceeds the agreed completion date.

The bill also would have exempted activities reviewed by the Maine Land Use Regulation Commission from permitting under the Natural Resources Protection Act, abolished duplicate review of projects under site

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 ONTP Assistance Program for Businesses and Municipalities

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ANDERSON	ONTP	
LORD		
AULT		
TITCOMB		

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 PUBLIC 811 Substance Sites EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BALDACCI	OTP-AM	H-1212 JACQUES
GWADOSKY		S-665
KANY		

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.