

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
P&S XXX
RESOLVE XXX
CON RES XXX
EMERGENCY
CARRIED OVER

ONTP
LVWD
INDEF PP
FAILED EMERGENCY ENACTMENT
DIED BETWEEN BODIES
CONF CMTE UNABLE TO AGREE
VETO SUSTAINED
UNSIGNED
DIED ON ADJOURNMENT

Chapter # of enacted Public Law
Chapter # of enacted Private & Special Law
Chapter # of enacted Resolve
Chapter # of Constitutional Resolution passed by both Houses
Enacted law takes effect sooner than 90 days
Bill carried over to Special Session
Ought Not to Pass report accepted
Leave to Withdraw report accepted
Bill Indefinitely Postponed
Emergency bill failed to get 2/3 vote
House and Senate disagree; bill died
Committee of Conference formed but unable to agree
Legislature filed to override Governor's Veto
Not signed by Governor within 10 days
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

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 Substance Sites PUBLIC 811

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.

The amendment also exempts hazardous substance transporters from being designated responsible parties under the laws for uncontrolled hazardous sites if they deliver hazardous substances to a licensed storage or disposal facility according to the manifest.

Except for the exemption for hazardous substance transporters, this amendment applies to all proceedings that are pending on or commenced after the effective date of this Act. This amendment also adds a fiscal note to the bill.

A house amendment (H-1212) includes service corporations in the definition of lender and makes clear that the parent corporation is still liable for a release caused, contributed to or exacerbated by a service corporation.

**LD 2369 An Act to Further Enhance and Protect Maine's Great Ponds
(Reported Pursuant to Resolve 1989, chapter 100)**

PUBLIC 838

SPONSOR(S)

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-1313 MELENDY

S-719

SUMMARY

The original bill would have implemented the recommendations of the Commission on Maine Lakes, established pursuant to Resolve 1989, chapter 100.

The committee amendment (S-719) replaces the original bill. The major component of the bill that establishes the Great Pond Task Force is left intact with its duties expanded. Four public members are added to the task force. In addition to requirements under the original bill, the task force is charged with recommending policies for siting toilet facilities at publicly funded boat ramps, developing a plan to strengthen enforcement for environmental law violations occurring around great ponds, educating the public on threats to water quality in great ponds, working with the Department of Human Services to more effectively remove phosphorous in wastewater disposal systems, and subject to available funding, developing a plan to phase out substandard wastewater disposal systems.

The Commissioner of Inland Fisheries and Wildlife is empowered to limit access by watercraft to areas critical for wildlife protection. In addition, watercraft rules are required to be published in an educational format and distributed with each watercraft registration.

Variances for substandard wastewater disposal systems are repealed so that a system serving a dwelling undergoing seasonal conversion must meet the current plumbing code.

Municipalities choosing to develop comprehensive plans are required to address issues relating to great ponds, and municipal reviewing authorities must address phosphorous loading in a great pond as part of municipal subdivision review.

The amendment also clarifies that harbor masters may allocate moorings in great ponds.

The amendment provides that best management practice guidelines will be recommended for great pond watersheds most at risk. State agencies are required to comply with these guidelines. The Commissioner of Environmental Protection is required to recommend fee amounts for development permits that take into account the cost of review and compliance inspection of best practical treatment guidelines should these guidelines be adopted by rule.