

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 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

AMENDMENTS ADOPTED

OTP-AM

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.

Variations 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.

The amendment limits the spreading of manure on frozen ground to those instances that are part of a plan on file with a Maine soil and water conservation district. The amendment also limits the amount of phosphorous in household laundry detergent.

A copy of any permit issued under the municipal subdivision laws, shoreland zoning laws, natural resources protection laws and the site location of development laws is required to be kept on site while the permitted work is undertaken in great pond watersheds.

The amendment outlines training priorities for the Department of Environmental Protection and requires the Department of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Energy and Natural Resources on the interest and cost of implementing municipal enforcement of recreational boating laws.

The amendment also prohibits the Town of Standish or the Portland Water District from closing or denying access to the public boat ramp in the Town of Standish before a suitable alternative is found unless the Department of Human Services finds that use of the boat ramp threatens the public water supply. The amendment also adds a fiscal note to the bill.

A house amendment (H-1313) delays by 6 months the date for the ban on the sale of household laundry detergents containing phosphorous.

LD 2400 An Act Concerning Site Protection at Former Mining Operations

PUBLIC 883

SPONSOR(S)

MAYO
HOLLOWAY
COLES

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-1177

SUMMARY

This bill would have required that municipalities be reimbursed for 100% of property tax losses as a result of the imposition of the mining excise tax in lieu of the property tax. Current law requires that only 50% of the property tax loss be reimbursed. This bill also creates the Mining Corrective Action Fund, funded by a 25% share of the mining excise tax revenues. This fund is used to address any catastrophes and to fund any remedial action related to the contamination of ground waters, disposition of mine wastes, pollution control and similar issues that arise following termination of mining activities. This bill also removes the cap on the Mining Impact Assistance Fund that municipalities rely upon when mining activities create additional burdens, such as road deterioration and similar problems.

The committee amendment (H-1177) changes the original bill to amend the provisions of the Mining Excise Tax Trust Fund Board of Trustees. If revenues from the Mining Excise Tax are not sufficient to repay municipalities for the property tax exemption afforded by the Maine Revised Statutes, Title 36, chapter 371, the amendment allows for a partial payment of that reimbursement.

The amendment clarifies that only revenues from mining operations located in regions of the State not under the jurisdiction of the Maine Land Use Regulation Commission are to be deposited in the Mining Corrective Action Fund. A provision allowing the board of trustees to require financial assurance from mining operations located in municipalities was dropped.

If any funds are spent from the fund, the mining company must reimburse the fund. The amendment also deletes language specifying where funds are to be allocated if the Mining Impact Assistance Fund reaches the limit deleted by the original bill.

This amendment also adds a fiscal note to the bill.