

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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 right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

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.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

SUMMARY

This bill provides that continuous air emission monitors, or CEMs, and operating parameter monitors, or OPMs are considered to be "in use" during preventive maintenance, calibration and audit provided those services are being conducted in accordance with a quality assurance plan submitted to the Department of Environmental Protection. The bill also provides that nonoperation of a CEM due to equipment malfunction does not subject a person to penalties if the period of nonoperation does not exceed 5% of source-operating time for opacity CEMs and 10% of source-operating time for all other CEMs and OPMs. The bill does not alter the department's existing authority to exempt periods of noncompliance due to unavoidable malfunction in excess of these thresholds. This bill provides that CEMs for sulfur dioxide may not be required on lime kilns that are equipped with approved sulfur removal devices.

Committee Amendment "A" (S-154) retains the change for lime kilns, but deletes the provision relating to OPMs and alters the provision for down time of CEMs. A facility will not be subject to enforcement action for CEM system downtime unless and until the monitoring devices are recording accurate and reliable data less than 90% of the source-operating time in the case of gaseous emissions monitoring and less than 95% of the source-operating time, excluding quality control and quality assurance procedures required by the DEP, for opacity monitoring. If these thresholds are exceeded in any calendar quarter, the department may take enforcement action against the licensee for any downtime in that quarter that the licensee can not prove was due to unavoidable equipment malfunction or established quality assurance/quality control activities.

LD 1153 An Act to Improve the Administration of the Landfill Closure Program ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ROTONDI	ONTP	

SUMMARY

This bill would have allowed municipalities to cease closure activities at municipal solid waste landfills after December 31, 1992 if no state funds are available. If they chose to do so, the bill would have allowed municipalities to continue closure activities and wait for eventual reimbursement.

LD 1170 An Act Regarding the Department of Environmental Protection Rulemaking PUBLIC 328

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GWADOSKY	OTP-AM	H-317 S-233 CIANCHETTE

SUMMARY

This bill would have provided that rules adopted by the Board of Environmental Protection may not be more stringent than federal law.

The committee amendment (H-317) replaced the original bill. The amendment would have required the Commissioner of Environmental Protection to report annually to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters on those portions of the proposed regulatory agenda of the Department of Environmental Protection that, in the commissioner's judgment, would be inconsistent with federal environmental law. The committee would have been directed to consult with the Commissioner of Environmental Protection and the Chair of the Board of Environmental Protection. The committee would have been authorized to introduce legislation by majority vote of the

full committee recommending any changes in the department's statutory authority that it found necessary. This amendment also added an appropriation and a fiscal note.

A senate floor amendment (S-233) replaces both the committee amendment and the original bill. This amendment requires the Department of Environmental Protection, on the basis of available information, to identify and justify provisions of proposed rules that it believes would impose a rule more stringent than comparable federal standards. The department is also directed to identify this type of rulemaking in its annual regulatory agenda.

**LD 1173 An Act Related to the Adoption of Municipal Ordinances
and Comprehensive Plans and to Revise Notice Requirements
for Certain Zoning Changes**

PUBLIC 374

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
SULLIVAN	OTP-AM	H-343 S-280 CLEVELAND

SUMMARY

This bill authorizes alternatives to posting copies of lengthy documents and legal zoning maps and reduces the number of copies that a municipality must purchase from 3 to one because of the cost to the municipality of purchasing multiple copies.

This bill also would have amended the provisions in law that require municipalities to provide individual notices for many zoning changes.

Committee amendment "A" (H-343) would have required municipalities to use first-class mail to notify abutters to an area that would be affected by the adoption or amendment of a zoning ordinance or map. The amendment also would have applied those notification requirements to ordinances or maps adopted or amended under the growth management laws or the mandatory shoreland zoning laws.

Senate amendment "C" (S-280) replaced the committee amendment. This amendment clarifies the notification requirements for municipalities when they adopt, amend or alter zoning ordinances. Under this amendment there are 2 types of notice requirements: a general provision for notice of the adoption, amendment or replacement of zoning ordinances, including ordinances adopted under growth management or shoreland zoning laws; and additional, individualized notices to persons affected by the adoption of amendments to zoning ordinances that would allow or prohibit commercial, industrial or retail uses in geographically specific portions of the municipality. The amendment also requires that notices of hearings be published 14 days in advance rather than 7 days and requires that the notices be written in plain English, understandable to the average citizen.

**LD 1176 An Act to Determine the Direct Economic Costs of
Implementation of Environmental Regulations**

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GWADOSKY	ONTP	

SUMMARY

This bill would have required the Department of Economic and Community Development to prepare an economic analysis of every rule proposed by the Department of Environmental Protection.