

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

LD 1518 An Act to Bring State Water Quality Law into Compliance with Federal Requirements

PUBLIC 344

SPONSOR(S)
JACQUES
LAWRENCE

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-444

SUMMARY

This bill has been introduced in response to the formal disapproval by the federal Environmental Protection Agency, of Public Law 1991, Part A, Chapter 814. This bill provides the correct procedure to be used by the State in considering those unusual situations in which existing conditions may preclude the attainment of a water body's statutory classification of quality. This procedure, called a "use attainability analysis," is closely modeled on the federal requirements adopted by the federal Environmental Protection Agency, 40 Code of Federal Regulations, Part 131. All requirements of this federal regulation are incorporated by reference.

This bill provides further clarification on certain portions of the federal requirements. Consistent with the intent of federal law, this bill expressly prohibits use of the use attainability analysis process to eliminate existing uses, to allow degradation of a water body that is currently meeting its classification or the further degradation of a water body that has failed to attain its classification. The bill provides for a formal public hearing and decision-making process in order to ensure adequate public participation as required by federal law.

The committee amendment (H-444) adds a phrase from federal regulation regarding cost-effective best management practices that was inadvertently not included in the original bill.

The amendment also adds language to clearly state that the Board of Environmental Protection is only to make a recommendation to the Legislature under the use attainability analysis procedure if it has adopted a proposal to add to or change the designated uses of the State's waters in accordance with the Maine Revised Statutes, Title 38, section 464, subsection 2-A.

This amendment also moves the definition of the term "designated use" from the general definitions section of state water quality law to the proposed subsection regarding use attainability analysis procedures.

This amendment applies the subcategory of designated uses for aquatic life and related habitat created by Public Law 1992, chapter 813, Part A to the impoundment of the Ripogenous hydroelectric project. This action is taken following approval by the federal Environmental Protection Agency on March 25, 1993 of a downgrade of water quality standards for the impoundment based on a use attainability analysis conducted jointly by the Bowater Corporation and the Department of Environmental Protection.

LD 1525 Resolve, Authorizing the Conveyance of Certain Public Lands in Newcastle

RESOLVE 30

SPONSOR(S)
BEGLEY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-210

SUMMARY

This resolve authorizes the Director of the Bureau of Public Lands to convey approximately 1/2 acre of the Dodge Point Property in Newcastle to an abutter, Pamela J. Sperry, in exchange for an equivalent parcel that will be deeded by Sperry to the State of Maine.

Committee amendment "A" (S-210) adds a fiscal note to the bill.

**LD 1541 An Act Authorizing a Referendum to Ratify the Texas
Low-Level Radioactive Waste Disposal Compact with
Maine and Vermont and Approving the Compact's Terms**

**PUBLIC 400
EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARTIN J	OTP-AM	H-609
		H-617 JACQUES
		H-627 COLES

SUMMARY

This bill provides for the approval required by law for the State to enter into an interstate compact agreement with Vermont and Texas for disposal of low-level radioactive waste at a facility proposed for Hudspeth County, Texas. This bill represents the formal ratification by the Legislature and Governor of compact terms negotiated with the State of Texas and approved by that state's legislature. The bill also provides for a referendum vote by the legal voters of the State in November 1993 as to whether the State should enter into the compact and provides for the orderly closeout of the activities of the Maine Low-Level Radioactive Waste Authority and the transfer of funds supporting an in-state site search to Texas, if the majority votes in November 1993 approving this compact. Finally, this legislation provides for the nomination of Maine's representative on the governing board of the interstate compact and for the payment of travel and other expenditures by that representative.

Committee Amendment "A" (H-609) makes technical changes to the bill, clarifies that assessments against nuclear power plants are recoverable in retail rates only if the assessment is passed on to the retail utility in the wholesale rates and adds a provision that any assessments refunded by other generators of low-level radioactive waste must be credited against costs recoverable in the retail rates.

The amendment also clarifies a reference to host county assessments and clarifies when the Low-level Radioactive Waste Authority may adopt rules to calculate a surcharge on waste disposed of by generators. The amendment clarifies that the nondiscrimination provision relates to generators in existence on the effective date of the Maine Revised Statutes, Title 38, chapter 14-B, subchapter II-A, enacted in this bill and amends language relating to the referendum question to make the language in the bill consistent with the language required by law.

House Amendment "A" (H-617) changes the wording of the referendum question to conform to statutory requirements.

House Amendment "B" (H-627) authorizes a transfer of funds from the Maine Low-level Radioactive Waste Authority to cover the referendum costs.