

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

MAY 1994

Staff:

*Tim Glidden, Principal Analyst
Patrick Norton, Legislative Analyst
Deborah Friedman, Legislative Analyst*

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

MEMBERS:

**Sen. Mark W. Lawrence
Sen. Alton E. Cianchette
Sen. Margaret G. Ludwig*

**Rep. Paul F. Jacques
Rep. James Mitchell
Rep. James Reed Coles
Rep. Richard A. Gould
Rep. Virginia Constantine
Rep. Thomas E. Poulin
Rep. Jason D. Wentworth
Rep. Willis A. Lord
Rep. Malachi Anderson
Rep. John F. Marsh*

**Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
JULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
MARION HYLAN BARR
JON CLARK
LISA COPENHAVER
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
JILL IPPOLITI



JOHN B. KNOX
ROY W. LENARDSON
PATRICK NORTON
JANE ORBETON
MARGARET J. REINSCH
PAUL J. SAUCIER
JOHN G. KELLEY, RESEARCHER
DARLENE A. SHORES LYNCH, RESEARCHER
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL: (207) 287-1670
FAX (207) 287-1275

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

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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, 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:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE 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

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed 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. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

LD 1755 **An Act to Modify the End Disposal of Sharp Waste Products
in the Biohazard Disposal Law**

PUBLIC 529

SPONSOR(S)
RUHLIN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-763

SUMMARY

This bill requires the Department of Environmental Protection to include in its biomedical waste rules additional options for transportation and disposal of hypodermic needles and other "sharps" for small-quantity generators of those items. The rules would allow small-quantity generators to mail the sharps to licensed biomedical waste disposal facilities in Maine or elsewhere, and allow them to designate agents to transport the sharps to disposal facilities or collection points. The bill also requires the department to work with small-quantity generators to clarify and expand disposal options.

COMMITTEE AMENDMENT "A" (H-763) deletes the provision permitting a person to designate any person as an agent of the generator to transport sharps to a disposal facility or to a collection point. The amendment also deletes provisions regulating which disposal facilities a person may send sharps to when mailing them out of State.

LD 1757 **An Act to Amend Certain Laws Pertaining to the Department of
Environmental Protection, Bureau of Hazardous Materials
and Solid Waste Control**

PUBLIC 732
EMERGENCY

SPONSOR(S)
ANDERSON

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-995
S-588 LAWRENCE

SUMMARY

This bill amends a provision of the underground oil storage facility laws pertaining to requirements for reporting a possible leak to clarify that unexplained differences in daily inventory are calculated on the basis of product throughout, not product delivered; amends the monitoring requirements for underground oil storage facilities to exempt certain tanks from the daily inventory and annual statistical inventory analysis because the inventory and analysis are either unnecessary or not technically feasible; amends the definitions of "disposal" and "treatment" in Title 38, section 1303-C to specify that incineration of hazardous waste is a method of treatment, not disposal. The civil liability provisions of section 1319-U, the definition of "responsible party" in section 1362 and the hazardous waste reduction techniques in section 2302 are amended to reflect the changes in the definitions of "disposal" and "treatment."

The bill repeals a provision of the uncontrolled hazardous substance site laws which grants a limited liability exemption for financial institutions and federal and state banking or lending agencies. This provision was made obsolete by passage of a similar but more comprehensive liability exemption provision in Public Law 1993, chapter 355.

COMMITTEE AMENDMENT "A" (H-995) adds an emergency clause and preamble. Part A of the amendment extends the exemption from inventory and analysis requirements for underground oil tanks to those that have monitoring devices able to detect the gain of 0.1 gallon of product per hour as well to those that detect product loss of 0.1 gallon. The amendment exempts owners and operators of commercial agricultural operations from the toxics user fee.

The amendment provides that a person who resolves his or her liability to the State for environmental response actions, costs or damages is not liable for claims for contribution by other potentially liable persons for actions, costs or damages addressed in the settlement. The amendment also provides that a person who brings suit against a person protected from contribution liability by this provision must pay the attorney's fees and other costs incurred by the protected person in the litigation.