

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
ENERGY AND NATURAL RESOURCES

MAY 1994

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**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 1892 An Act to Establish Reasonably Available Control Technology Standards for Nitrous Oxides**

ONTP

**SPONSOR(S)**  
GWADOSKY

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have established reasonably available control technology standards, or RACTs, for nitrous oxide emissions from major industrial sources located in moderate or more severe ozone nonattainment areas and that are required to meet RACTs pursuant to the Federal Clean Air Act, Section 182 and would have adopted a so-called "committal SIP" or state implementation plan for nitrous oxide RACT requirements in the rest of the State. Under the terms of the "committal SIP," the State would commit to do photochemical grid modeling to determine the extent to which nitrous oxide reductions in the attainment, nonattainment-unclassified and nonattainment-marginal areas, which are the "subject areas," would be necessary to achieve attainment in the moderate-nonattainment areas. If the modeling demonstrated that nitrous oxide reductions in the subject areas would not be necessary to achieve attainment in the moderate nonattainment areas, facilities in the subject areas would not be subject to nitrous oxide RACTs.

**LD 1910 An Act to Amend the Laws Governing Refuse Disposal Districts**

PUBLIC 597

**SPONSOR(S)**  
MORRISON

**COMMITTEE REPORT**  
OTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill allows the board of directors of a refuse disposal district to fill their required quorum in writing as well as in person.

**LD 1927 An Act to Remove the Sunset Provision from the Limitation on Liability for Recycling Activities by Municipalities and Regional Associations**

PUBLIC 598  
EMERGENCY

**SPONSOR(S)**  
LAWRENCE

**COMMITTEE REPORT**  
OTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill removes the sunset provision from a law that limits the liability of owners, lessees and occupants of land upon which recycling containers owned by municipalities and regional associations are located.

**LD 1951 An Act to Consolidate and Streamline the Functions of Maine Government in Conformity with the Provisions of the Texas Low-Level Radioactive Waste Disposal Compact**

PUBLIC 664  
EMERGENCY

**SPONSOR(S)**  
LAWRENCE

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-567

**SUMMARY**

This bill consolidates state functions that are devoted to the monitoring of radioactive waste, the siting and operation of disposal facilities for radioactive waste and the regulation of licensees of the United States Nuclear Regulatory Commission. As required by legislation enacted in 1993, which authorized the State's entry into the Texas Low-Level Radioactive Waste Disposal Compact, this bill

eliminates the Maine Low-Level Radioactive Waste Authority, adds new functions to the radiation control program within the Department of Human Services and replaces the Advisory Commission on Radioactive Waste with a new advisory and educational body called the Maine Commission on Radioactive Waste.

This bill also addresses issues concerning the Radiation Control Program in the Department of Human Services. It reinstates the Advisory Committee on Radiation, to provide the department with advice on the regulation of radiation-producing materials and devices and their use; and to comply with Maine's agreement state status with the United States Nuclear Regulatory Commission on the regulation of radioactive materials. This bill also provides for full funding to the Health and Environmental Testing Laboratory for radiochemical analysis to support environmental surveillance testing activities for the Maine Yankee Atomic Power Company and adjust the fees assessed by the Radiation Control Program on the Maine Yankee Atomic Power Company.

COMMITTEE AMENDMENT "A" (S-567) deletes language moving the Advisory Commission on Radioactive Waste from the Department of Environmental Protection to the Department of Human Services and reconstituting the commission. In the amendment, the commission remains in the Department of Environmental Protection, with added duties as provided in the bill. The amendment also adds 2 Legislators to the membership specified in the bill, to make legislative membership conform to the current commission membership. The appointing authority for representatives of radioactive material licensees is changed from the Governor to the President of the Senate and the Speaker of the House of Representatives, as under current law.

The amendment clarifies the service fee and the Texas Low-Level Radioactive Waste Disposal Compact Commission cost assessments, provides for the transfer of funds from the Radioactive Waste Fund to pay costs of the advisory commission and creates a fund in the Department of Environmental Protection to receive those transfers.

The amendment increases the advisory commission budget and provides deallocations and allocations among funds. The amendment adds a dentist to the Advisory Committee on Radiation within the Department of Human Services and authorizes the committee to report to joint standing committees of the Legislature. The amendment also adds an emergency clause and preamble and a fiscal note and conforms existing law to current drafting standards.

**LD 1953      An Act to Designate Certain Lands under the Constitution  
of Maine, Article IX, Section 23**

PUBLIC 639

**SPONSOR(S)**  
MITCHELL J

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-858

**SUMMARY**

LD 1953 implements the provisions of the Constitution of Maine, Article IX, Section 23. Under the provisions of this bill, a 2/3 vote of the Legislature is required to reduce the size or substantially alter the use of designated conservation or recreational lands. Lands designated in this bill include state-owned wildlife management areas and public access sites, public lands and public reserved lots, state parks and historic sites, the Allagash Wilderness Waterway, Baxter State Park Authority lands other than those deeded by Governor Baxter or contiguous thereto, lands that were acquired by deed of gift if those deeds allow for conveyance or changes of use and lands acquired by the Land for Maine's Future Board.

As required by the Constitution of Maine, this bill provides that proceeds from the sale of those lands must be used to purchase additional lands in the same county for the same purpose.

This bill also expresses the intent of the Legislature that land may not be delisted once it is designated, except by a 2/3 vote of the Legislature, and that additional parcels of land or classes of land may be added by future Legislatures as the need arises.