

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES

AUGUST 1995

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

**SUMMARY OF LEGISLATION BEFORE
THE JOINT STANDING COMMITTEES**

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

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

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

SPONSOR(S)JACQUES
ADAMS**COMMITTEE REPORT**

OTP-AM

AMENDMENTS ADOPTED

H-108

SUMMARY

This bill clarifies existing law regarding setbacks for municipal solid waste transfer stations. Legislation enacted in 1993 provided that transfer stations on islands are not subject to setback requirements. The law has been interpreted to mean that only statutory setbacks are nullified. This bill makes clear that all setbacks, statutory and regulatory, do not apply to the location of transfer stations on islands.

The bill also changes language providing that the law requiring transfer stations to be set back at least 250 feet from abutting property boundaries does not apply if the use of the abutting property is compatible with the location of the transfer station. Current law refers to "conforming uses" rather than "compatible uses." Since the term "conforming use" has specific meaning in zoning law, and that meaning is not relevant in this context, the more appropriate term "compatible use" has been added.

COMMITTEE AMENDMENT "A" (H-108) further clarifies the setback requirement for the handling site of a transfer station on an island and provides that the Department of Environmental Protection must find setbacks from property boundaries, residences and public roads to be reasonable and compatible if all abutting property owners provide written approval of the location of the handling site. The department would continue to make an independent evaluation of the reasonableness of setbacks from active or closed landfills.

LD 229**An Act to Abolish the Maine Waste Management Agency**PUBLIC 465
EMERGENCY**SPONSOR(S)**

WHITCOMB

COMMITTEE REPORTOTP-AM A
OTP-AM B
ONTP C**AMENDMENTS ADOPTED**H-487
S-373 HANLEY**SUMMARY**

This bill abolishes the Maine Waste Management Agency. It also proposed to transfer responsibility for recycling grants to the Department of Economic and Community Development.

COMMITTEE AMENDMENT "A" (H-487), the majority report of the committee, replaces the bill. It makes the following changes in the laws governing solid waste management:

1. It abolishes the Maine Waste Management Agency effective July 1, 1995 and transfers its essential services and responsibilities to the State Planning Office. Those responsibilities include preparation and revision of the state solid waste management and recycling plan; collection and analysis of municipal solid waste management reports and recycling rates; provision of technical and financial assistance to municipalities in managing solid waste, including awarding grants for recycling and composting programs; provision of market development and market assistance programs; and siting, ownership and operation of such state solid waste disposal facilities as are needed;
2. It ends eligibility for the solid waste reduction investment tax credit with equipment purchased before July 1, 1995;

3. It places responsibility for determining whether a solid waste disposal facility provides a substantial benefit on the Commissioner of Environmental Protection. Except for facilities currently exempt from the Maine Waste Management Agency public benefit determination process, the amendment requires applicants for solid waste disposal facilities to apply to the Commissioner of Environmental Protection for a public benefit determination before applying to the Department of Environmental Protection for a license under the Maine Revised Statutes, Title 38, section 1310-N. Application for public benefit determination does not trigger the notice requirements or assistance fee payments;
4. It provides that a proposed solid waste disposal facility may meet the public benefit test by filling immediate, short-term or long-term capacity needs of the State;
5. It requires an applicant for a solid waste disposal facility license to work with the host municipality to determine host community benefits, either through meeting the requirements of a municipal ordinance, negotiating in good faith to form an agreement or complying with an existing or revised host community benefit. The host community benefit agreement must, if appropriate, include a provision for financial support for personnel or other means to provide technical assistance to the municipality in interpreting data and advising on technical issues;
6. It allows the Commissioner of Environmental Protection to award host communities additional assistance grants of up to \$50,000 when the size, location or other features of the proposed facility warrant additional expenditures. It is anticipated that this would occur only when a facility proposes multiple phases or cells in a single application;
7. It clarifies that a facility may not be relicensed or allowed to expand as a commercial solid waste disposal facility unless the facility had been licensed as a commercial solid waste disposal facility prior to October 6, 1989;
8. It establishes a dedicated fund to pay the costs of tire abatement at uncontrolled tire stockpiles;
9. It extends the deadline for meeting the state recycling goal of 50% of municipal solid waste from January 1, 1994 to January 1, 1998 and includes composting in the 50% calculation;
10. It provides that municipalities are not required to meet the State's 50% recycling goal, but they must make reasonable progress toward that goal, and deletes provisions imposing a surcharge on municipalities that do not meet the 50% goal;
11. It repeals the provision requiring each campus of the University of Maine System to report its recycling program, and instead requires each campus to do a self-assessment of recycling efforts and to develop new programs if funds are available;
12. It repeals the business technical and financial assistance program for recycling, which the Maine Chamber of Commerce and Industry has agreed to undertake;
13. It amends provisions imposing an administrative fee on imported waste;
14. It requires the Department of Environmental Protection to collect waste fees previously collected by the Maine Waste Management Agency;
15. It clarifies the powers of the State Planning Office to perform the duties transferred to it;
16. It grants power previously granted to the Maine Waste Management Agency to the Finance Authority of Maine to issue revenue obligation bonds;

17. It requires the State Planning Office to convene a task force, including Legislators, to examine state policy regarding operation of the State's waste management site at Carpenter Ridge and to examine state policy regarding the ban on commercial solid waste disposal facilities; and
18. It deallocates positions from the Maine Waste Management Agency, transfers positions to the State Planning Office to perform some of the Maine Waste Management Agency's functions, provides funding for the tire program and for payment of the \$500,000 due to Lincoln Pulp and Paper if the State receives a license to operate the facility. It provides for the transfer of money for Department of Environmental Protection positions to the Maine Solid Waste Management Fund.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-373) strikes the following provisions from LD 229 to avoid duplication of language already enacted as Part NN of the budget bill, LD 706: provisions terminating eligibility for the recycling investment tax credit as of June 30, 1995, eliminating all positions (16) at the Maine Waste Management Agency, allocating 6 positions to the State Planning Office to continue certain functions of the agency, moving 9 solid waste management positions at DEP from the General Fund to the Solid Waste Management Fund, eliminating 3 DEP solid waste management positions from the Solid Waste Management Fund and moving 2 of those positions to the Maine Environmental Protection Fund, and allocating funds for tire stockpile clean-up.

**LD 258 An Act to Change the State's Air Quality Standard for
Ozone to the Federal Standard**

PUBLIC 306

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
BAILEY	OTP-AM	MAJ	H-293
	OTP	MIN	

SUMMARY

The bill proposed to change the state ozone standard from .08 parts per million to .12 parts per million, the current federal standard.

COMMITTEE AMENDMENT "A" (H-293) replaces the bill. It repeals the current Maine ambient air quality standard for photochemical oxidant, primarily ozone. The amendment does not replace the state standard, but references the federal standard for purposes of statutory and regulatory interpretation of existing Maine law. The amendment also requires the Department of Environmental Protection to issue ozone health alert warnings to the media, to be disseminated to the general public, when monitored data indicates or the department predicts that an ozone concentration of 81 parts per billion has been or will be exceeded. The amendment also requires the department to disseminate this information through a toll-free information telephone hot line.

The amendment directs the department to use all best efforts to ensure that other states develop state implementation plans for control of ozone precursors that would be designed to allow Maine to improve its air quality. The amendment directs the Governor to urge the United States Environmental Protection Agency to expeditiously complete its review of the current national ambient air quality standard for ozone.