

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

LD 376 An Act to Opt Out of the Federal Requirement to Use Reformulated Fuel and to Prohibit Its Sale in the State

INDEF PP

| SPONSOR(S) | COMMITTEE REPORT | | AMENDMENTS ADOPTED |
|-------------------|-------------------------|-----|---------------------------|
| TUFTS | ONTP | MAJ | |
| CASSIDY | OTP-AM | MIN | |

SUMMARY

This bill would have required the Commissioner of Environmental Protection to petition the federal Environmental Protection Agency to remove Maine counties from the federal regulation requiring certain areas of the country to sell reformulated gasoline.

The minority report of the committee would have required a petition to opt out of the reformulated gasoline program and would have prohibited the sale of reformulated gasoline in the State, unless federal law required its sale. The report was initially adopted in each body but was later indefinitely postponed.

LD 382 An Act to Credit Incineration of Used Tires as Recycling

PUBLIC 23

| SPONSOR(S) | COMMITTEE REPORT | | AMENDMENTS ADOPTED |
|-------------------|-------------------------|--|---------------------------|
| GOULD | OTP-AM | | H-37 |

SUMMARY

This bill proposed to allow any material used as fuel in an incineration facility to be counted toward meeting state municipal solid waste recycling goals if the materials would have otherwise been recycled .

COMMITTEE AMENDMENT "A" (H-37) replaces the bill and authorizes municipalities to credit tires used as fuel in incinerators toward meeting the state goal of recycling 50% of municipal solid waste, if the tires would otherwise be placed in a landfill, and the State Planning Office determines that there is no reasonably available market in the State for recycling that waste.

LD 422 An Act to Amend the Laws Pertaining to Bulkheads and Retaining Walls on Scarborough River

ONTP

| SPONSOR(S) | COMMITTEE REPORT | | AMENDMENTS ADOPTED |
|-------------------|-------------------------|-----|---------------------------|
| AMERO | ONTP | MAJ | |
| | OTP-AM | MIN | |

SUMMARY

This bill would have allowed the Commissioner of Environmental Protection to review the geologist's report that is required every 2 years from the holder of a permit for a bulkhead or retaining wall on Scarborough River. The bill would have also allowed the commissioner to amend recommendations contained in the report and to require a permit holder to follow the recommendations.

LD 445 An Act to Change Certain Provisions of the Saco River Corridor Law

PUBLIC 171

| SPONSOR(S) | COMMITTEE REPORT | | AMENDMENTS ADOPTED |
|-------------------|-------------------------|-----|---------------------------|
| | OTP-AM | MAJ | H-152 |
| | OTP-AM | MIN | |

SUMMARY

This bill ensures that certain provisions of the Saco River Corridor Act are at least as stringent as the State's Mandatory Shoreland Act.

10 Natural Resources

COMMITTEE AMENDMENT "B" (H-152), which was the minority report, makes several changes to the bill.

1. The bill proposed a new definition of "tributary stream" under the laws relating to the Saco River Corridor Commission. The amendment strikes that definition and inserts an expanded definition of "tributary stream."
2. The bill proposed to eliminate the estuary from the Saco River Corridor. The amendment preserves the estuary of the Saco River within the Saco River Corridor.
3. Currently the Saco River Corridor Commission laws allow a variety of uses within general development districts without any permit from the commission. Under mandatory shoreland zoning laws, these uses require a permit in general development districts. This amendment requires a commission permit for these activities and thereby ensures that the zoning standards enforced by the corridor commission within the corridor are consistent with mandatory shoreland zoning.
4. This amendment makes other technical changes to the bill and clarifies that existing legal uses of land are grandfathered.
5. This amendment strikes the emergency preamble and the emergency clause from the bill.

**LD 447 An Act Regarding the Expansion of Certain Waste Disposal
 Facilities**

PUBLIC 68

SPONSOR(S)
GOULD

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-116

SUMMARY

Currently, the Department of Environmental Protection may approve the expansion of an existing commercial solid waste disposal facility or biomedical waste disposal or treatment facility only if the facility was licensed prior to October 6, 1989; the expansion is on land contiguous with the facility and the land was owned by the licensee on September 30, 1989; and the expansion meets the needs criteria of the state plan regarding solid waste management.

This bill amends the current law by allowing the Department of Environmental Protection to consider a proposal for the expansion of an existing facility if the expansion is to be located on contiguous property owned by the licensee, or by a corporation or other business entity under common ownership or control with the licensee, on December 31, 1989 rather than on September 30, 1989. All other existing limitations on expansions as well as the existing review and approval processes will remain in place.

COMMITTEE AMENDMENT "A" (H-116) adds a fiscal note to the bill.

**LD 474 An Act Relating to Equipment Start-up, Shutdown and
 Unavoidable Malfunction**

PUBLIC 235

SPONSOR(S)
POULIN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-278

SUMMARY

Current law allows the Commissioner of Environmental Protection to refrain from penalizing companies for air emissions and wastewater discharges in excess of license limitations if the emission or discharge occurs during start-up or shutdown or results from an unavoidable equipment malfunction.