

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES**

JUNE 1996

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Sen. Richard P. Ruhlin*

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are 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 finally passed 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>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

Senate Amendment "A" to Committee Amendment "B" (S-436) proposed to clarify the obligation of a municipality to notify landowners by specifying that notice must be given at least 14 days before the planning board votes to send the ordinance or map to a public hearing. The amendment also proposed to clarify that the notice provision applies only to the initial placement in the zone, not to subsequent planning board actions that do not affect the inclusion of the property in the resource protection zone.

Enacted law summary

Public Law 1995, chapter 542 requires the governmental entity adopting a shoreland zoning ordinance (a municipality, or the Board of Environmental Protection) to provide individual notice to property owners whose property is being considered for placement in a resource protection zone. When a municipality is adopting the ordinance or map, the municipality must provide notice at least 14 days before the planning board votes to send the ordinance or map to a public hearing. When the board is adopting the ordinance, notice must be sent at least 30 days before the close of the public comment period prior to formal board consideration. Notice must be sent by first-class mail, and written certificates serve as evidence that the notice was sent as required.

LD 1014 **Resolve, Directing the Commissioner of Environmental Protection to Propose a Plan to Reorganize the Department of Environmental Protection** ONTP

Sponsors(s)
GOULD

Committee Report
ONTP

Amendments Adopted

LD 1014 proposed to require the Commissioner of Environmental Protection to prepare a proposal to restructure the department along functional lines, resulting in a technical services division, a licensing division and an enforcement division.

LD 1042 **An Act to Amend the Surface Water Ambient Toxics Monitoring Program** ONTP

Sponsors(s)
ETNIER

Committee Report
ONTP

Amendments Adopted

LD 1042 proposed to increase the fee collected on oil terminal licensees and oil transporters in order to fund a portion of the Ambient Surface Water Toxics Monitoring program. The monitoring program currently receives only partial funding from the General Fund. The bill also proposed to modify the date for reporting on the monitoring program to the Natural Resources Committee from January 1st of each year to February 15th.

During the 1st Regular Session of the 117th Legislature, the committee adopted an amendment proposing to strike the oil fee increase and to provide full funding for the program through an additional General Fund appropriation. The amendment retained the portion of the bill that moved the reporting deadline.

The bill was carried over by the Appropriations Committee at the end of the 1st Regular Session and rereferred to the Natural Resources Committee at the beginning of the 2nd Regular Session. Instead of voting to approve LD 1042, the committee worked to support the governor's proposal that additional funding for the program be included in the supplemental budget. The supplemental

budget that was enacted (Public Law 1995, chapter 665) included a General Fund appropriation of \$285,000 for fiscal year 1996-97, which, when added to the existing General Fund appropriation, enables the surface water toxics monitoring program to proceed with full funding for that fiscal year.

**LD 1608 An Act Creating a Process for Municipalities to Withdraw
from the Cobbossee Watershed District**

P & S 59

<u>Sponsors(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMREN CAREY	OTP-AM MAJ ONTP MIN	H-734

LD 1608 proposed to allow the Town of Mount Vernon to withdraw as a member of the Cobbossee Watershed District.

Committee Amendment "A" (H-734) replaced the bill. It proposed to establish a process through which the voters of any municipality in the Cobbossee Watershed District could elect to withdraw the municipality from the district. The amendment also proposed to require the district to establish a process for equitably distributing the financial liabilities of the district when a municipality elects to withdraw.

Enacted law summary

Private and Special Law 1995, chapter 59 establishes a process through which the voters of any municipality in the Cobbossee Watershed District may elect to withdraw the municipality from the district. The amendment also requires the district to establish a process for equitably distributing the financial liabilities of the district when a municipality elects to withdraw.

LD 1610 An Act to Enhance Used Oil Recycling Capabilities

PUBLIC 573

<u>Sponsors(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J ETNIER	OTP-AM	H-777

LD 1610 proposed to do the following:

1. Allow persons wishing to construct used oil collection centers to receive low-interest loans or grants from funding administered by the Finance Authority of Maine for the purpose of constructing a center that meets the applicable requirements;
2. Provide a definition of a used oil collection center within the Maine Hazardous Waste, Septage and Solid Waste Management Act;
3. Authorize the Commissioner of Environmental Protection to waive certain costs incurred by the Maine Hazardous Waste Fund. Reimbursements not to exceed \$10,000 per fiscal year could be waived if the commissioner determined that the center had been designed and operated in accordance with the applicable standards. Reimbursement waivers could not be granted more than twice per fiscal year at any one location;