

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**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
H-533**SUMMARY**

The bill proposed to allow any person named as a responsible party for an oil discharge to file for coverage by the Groundwater Oil Clean-up Fund, defined eligible clean-up costs, clarified that the definition of oil does not include oil mixed with hazardous waste and that the Ground Water Oil Clean-up Fund may not be used to fund the clean-up of hazardous wastes. The bill also would have allowed the Commissioner of Environmental Protection to waive the 180-day filing requirement when the applicant has cooperated in clean-up of a discharge but has not filed a timely application. The bill would also remove the requirement that applicants be in substantial compliance with certain state standards in order to be eligible for Ground Water Oil Clean-up Fund coverage and would substitute an additional deductible for each instance of noncompliance.

The bill would have reduced the size of the Ground Water Oil Clean-up Fund from 15,000,000 to \$12,500,000 and allowed the Fund Insurance Review Board to contract for outside legal services.

COMMITTEE AMENDMENT "A" (H-533) makes several technical amendments to the bill. It rewrites certain provisions to improve clarity and adds language to clarify the State Fire Marshal's authority with regard to coverage for discharges from aboveground oil storage tanks.

The amendment retains the following provisions in the bill: the elimination of substantial compliance as a condition for fund coverage and the required payment of an additional deductible payment for each instance of noncompliance; the addition of a definition of eligible clean-up costs based on the concept of cost-effective remediation; and the authority of the commissioner to waive the 180-day filing requirement.

The amendment eliminates the provisions allowing any responsible party to apply for fund coverage, allowing the Fund Insurance Review Board to hire outside legal counsel and lowering the cap on the fund to \$12,500,000.

The amendment also adds language specifying that legal expenses are not eligible clean-up costs and that an applicant must pay the lesser of the deductible amount or the total clean-up costs. The amendment clarifies that applicants who appeal to the Fund Insurance Review Board may have their attorney fees paid from the fund only for fees incurred from the time of a claim-related decision forward.

The amendment adds language specifying that applicants are eligible for coverage only for discharges discovered after April 1, 1990, allows persons who were denied coverage for failure to meet the substantial compliance requirements or the application deadline to reapply not later than July 1, 1996 and provides that reapplication is only for discharges discovered after April 1, 1990 and limits it to applicants for whom the Commissioner of Environmental Protection waives the 180-day filing deadline. Language relating to the date of the discharge does not affect applications pending before the Department of Environmental Protection or the State Fire Marshal or appeals pending before the Fund Insurance Review Board on the date the law is amended.

The amendment adds a category of deductibles for aboveground tanks subject to jurisdiction of the Oil and Solid Fuel Board, and splits the category of deductibles for consumptive use heating oil facilities so that facilities with an aggregate storage capacity of 2,000 gallons or more pay a higher deductible than the smaller facilities, and provides for a deductible when a facility has both aboveground and underground tanks and both have leaked or it cannot be determined which leaked.

See also LD 1563.