

# 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:

<b>CARRIED OVER</b>	<i>Bill carried over to Second Session</i>
<b>CON RES XXX</b>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<b>CONF CMTE UNABLE TO AGREE</b>	<i>Committee of Conference unable to agree; bill died</i>
<b>DIED BETWEEN BODIES</b>	<i>House &amp; Senate disagree; bill died</i>
<b>DIED ON ADJOURNMENT</b>	<i>Action incomplete when session ended; bill died</i>
<b>EMERGENCY</b>	<i>Enacted law takes effect sooner than 90 days</i>
<b>FAILED EMERGENCY ENACTMENT</b>	<i>Emergency bill failed to get 2/3 vote</i>
<b>FAILED ENACTMENT</b>	<i>Bill failed to get majority vote</i>
<b>FAILED MANDATE ENACTMENT</b>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<b>INDEF PP</b>	<i>Bill Indefinitely Postponed</i>
<b>ONTP</b>	<i>Ought Not to Pass report accepted</i>
<b>P&amp;S XXX</b>	<i>Chapter # of enacted Private &amp; Special Law</i>
<b>PUBLIC XXX</b>	<i>Chapter # of enacted Public Law</i>
<b>RESOLVE XXX</b>	<i>Chapter # of enacted Resolve</i>
<b>UNSIGNED</b>	<i>Not signed by Governor within 10 days</i>
<b>VETO SUSTAINED</b>	<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)	COMMITTEE REPORT		AMENDMENTS ADOPTED	
GOULD	OTP-AM	MAJ	H-549	GOULD
LORD	OTP-AM	MAJ	H-552	

**SUMMARY**

This bill does the following.

1. The bill exempts discharges to groundwater and surface waters from licensing provided the discharge occurs in the process of recovering, containing or cleaning up or removing an oil or hazardous substance spill or leak if the clean-up complies with orders of the commissioner or the on-scene coordinator under federal laws, and water quality laws and standards are maintained.
2. The bill exempts from the site location of development law developments reviewed pursuant to parallel standards enacted under the waste management laws in 1993. The exemption is made retroactive to when those standards were enacted.
3. The bill allows for rescission of site law permits for mining of borrow, clay, topsoil or silt if the affected area is completely reclaimed and no further activity is conducted by the original permittee or transferees as provided by deed covenants enforceable by the department. The bill also adds a clarification providing that rescissions are only available when a project is not completed.
5. This bill eliminates the requirement that monitoring of underground oil tanks for leaks be continuous. This change allows use of automatic in-tank gauging, which is effective but not continuous, since the gauging system can not be operated when a product is being withdrawn or added to the tank.
6. The bill amends the definition of particulate matter under the air quality control laws to allow the state to comply with federal law regarding the prevention of significant deterioration (PSD) of air quality.
7. The bill allows the Commissioner of Environmental Protection to initiate rulemaking to change board-adopted shoreland zoning ordinances by preparing proposed ordinance or map modifications and publishing notice for public comment prior to the board's acting on the proposed modification.
8. The bill changes subdivision regulation under the site location of development laws by changing the exemption for lots transferred by devise or inheritance. Current law exempts such lots only if they are not transferred or further divided within 5 years; this bill eliminates the 5-year limitation.
9. The bill also clarifies existing language in portions of the toxics use and hazardous waste reduction laws. Proposed changes clarify that if a facility has historically been exempt from planning and reductions, it is also exempt from the reporting and fee requirements. Also, language requiring registration of hazardous waste generators is deleted because such registration forms are not necessary for regulatory purposes. Other changes eliminate confusing or redundant language. Finally, wholesale motor fuel and heating oil distributors and hazardous materials transporters are added to the list of industries that are exempted from the reporting and fee requirements.

COMMITTEE AMENDMENT "A" (H-552), the majority report of the committee, removes language requiring that discharges to water during cleanup of an oil or hazardous waste spill to comply with applicable water quality laws and standards in order to qualify for exemption. The amendment adds language exempting bulldozing or displacement of sediment within a lobster pound from the permit requirement under the natural resources protection laws, exempts certain roads and structures from the 3-acre development threshold under the site location of development laws and exempts roundwood and lumber storage yards from

review under the site location of development laws, provided erosion and sedimentation control standards and storm water management standards are met.

The amendment authorizes the Board of Environmental Protection to adopt rules requiring installation of Stage II vapor recovery equipment in gasoline stations in Cumberland, York and Sagadahoc counties. The requirement may be applied to stations that sell less than 1,000,000 gallons of gasoline in a calendar year only if information gathered by the Department of Environmental Protection indicates that a 1,000,000 gallon threshold will not yield sufficient credits to meet the 15% volatile organic compound reduction plan requirement of the federal Clean Air Act. The department is required to confer with the legislative committee of jurisdiction before the public hearing on any rule proposed at a threshold lower than 1,000,000 gallons.

The amendment requires the Commissioner of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 1996 on several federal Clean Air Act issues, including the status of the State's 15% reduction plan, the State's efforts to be exempt from auto emissions inspection requirements, the State's efforts to redesignate certain air planning areas and a review of federal control programs for which the State may take credit. The Governor is to confer with the committee by March 1, 1996 to review the need for Stage II vapor recovery controls. A majority of the committee is authorized to report out a committee bill when the department or the Governor confers with the committee.

If the State's 15% plan is disapproved or credits are disallowed, the board is directed to adopt rules to provide additional controls. If the plan includes revision or readoption of a Stage II vapor recovery rule at a threshold lower than 1,000,000 gallons per calendar year, the department must confer with the legislative committee of jurisdiction.

HOUSE AMENDMENT "A" (H-549) corrects an error whereby the maximum fee for structure permits under the site location of development laws under a previously enacted law (LD 288) was set at a higher level than intended.

**LD 1416      Resolve, Directing the State Planning Office to Improve the      ONTP**  
**Coordination of State Agencies and Resources Involved in**  
**Projects Having an Environmental Significance**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
BENEDIKT	ONTP	

**SUMMARY**

This resolve would have required the State Planning Office to establish a coordinating mechanism for environmentally significant projects based on certain criteria.

**LD 1423      An Act to Amend the Laws Pertaining to the Regulation of      PUBLIC 287**  
**Borrow Pits      EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LORD	OTP-AM	S-283 S-288      CARPENTER

**SUMMARY**

This bill makes changes to the site location of development laws and to laws that regulate borrow pits between 5 and 30 acres in size.