

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
NATURAL RESOURCES

AUGUST 1995

**Staff:**

*Deborah C. Friedman, Legislative Analyst  
Jon P. Clark, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101/107/135, 13 State House Station  
Augusta, ME 04333  
(207)287-1670*

**MEMBERS:**

*\*Sen. Willis A. Lord  
Sen. W. John Hathaway  
Sen. Richard P. Ruhlin*

*\*Rep. Richard A. Gould  
Rep. Thomas E. Poulin  
Rep. Jane W. Saxl  
Rep. Randall L. Berry  
Rep. June C. Meres  
Rep. David C. Shiah  
Rep. Ernest C. Greenlaw  
Rep. Catharine L. Damren  
Rep. Roy I. Nickerson  
Rep. John P. Marshall*

*\*Denotes Chair*



**Maine State Legislature  
OFFICE OF POLICY AND LEGAL ANALYSIS**

State House Station 13, Augusta, Maine 04333  
Telephone (207) 287-1670  
Telecopier (207) 287-1275

**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 &amp; 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&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; 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

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.

The bill changes the site location of development law as follows.

1. In issuing a permit for any type of project subject to the site law, the commissioner may issue a permit conditioned upon a permittee receiving a loan or line of credit that ensures that a developer has the financial capacity to meet environmental standards.
2. For borrow pit permits, the bill allows permits conditioned upon compliance with noise standards within 30 days of starting up gravel processing operations; allows use of calcium chloride to control dust on roads servicing a borrow pit; extends deadlines for one year for borrow pits that are 5 to 30 acres in size and were unlicensed on October 1, 1993 to meet standards for pits of that size so as to not be reviewed under the site location of development laws.

The changes to laws that regulate borrow pits between 5 and 30 acres in size are as follows.

1. The bill alters the distances required between a borrow pit and private and public water supplies;
2. The Department of Environmental Protection may not require a pit owner or operator to elevate a pit floor to 5 feet or more above the seasonal high water table when that pit was unlicensed and the pit floor was less than 5 feet as of October 1, 1993. The department may permit continued excavation in those pits between 2 and 5 feet from the seasonal high water table when it is determined excavation will not harm groundwater. Pit owners or operators may reclaim as ponds those areas of pits that are less than 5 feet above the seasonal high water table, provided the pond resulted from excavation below the seasonal high water table prior to October 1, 1993.
3. The bill alters the distances a borrow pit must be from protected natural resources and defines the boundaries of certain protected natural resources.
4. The bill repeals a section that prohibits excavation below road level within 150 feet of a road right-of-way and it provides a new section that applies to all excavations near roads. This new section requires a natural buffer strip of at least 150 feet between the working edge of an excavation and a road designated as a scenic highway by the Department of Transportation; a natural buffer strip of at least 100 feet between the working edge of an excavation and a public road not designated as a scenic highway; and a natural buffer strip of at least 50 feet between the working edge of an excavation and any private road or right-of-way.
5. The bill reduces from 150 feet to 50 feet the width of a natural buffer strip required between a borrow pit and a property line and allows the distance between abutting borrow pits to be eliminated, providing the distance elimination does not increase the volume of water runoff from any of the abutting pits.
6. The bill allows the use of calcium chloride to control dust on roads servicing borrow pits, providing the manufacturer's best management practices are followed.
7. The bill permits the Department of Environmental Protection to grant a variance from reclamation slope standards, with no limit of the slope grade, providing the slopes exhibit substantial vegetation and are stable.
8. The bill allows the Department of Environmental Protection to defer inspection of certain sized gravel pits for which an expansion is sought when winter conditions at the site prevent the department from evaluating an expansion request.
9. The bill allows the ownership or operation of a borrow pit to be transferred as long as the new owner or operator files a notice within 2 weeks of the transfer stating that all borrow pit standards will be met.

10. The bill exempts certain borrow pits from common scheme of development review.

In addition, this bill accomplishes the following:

1. It clarifies the definition of public drinking water supply to include the source of supply, not just the well; and
2. It exempts from the site laws rock quarries of 2 acres or less in size, if the product from the quarry is used solely to supply aggregate for the Department of Transportation road construction and maintenance projects. Under this bill, those small quarries less would have to file a notice of intent to comply with certain specified performance standards.

COMMITTEE AMENDMENT "A" (S-283) adds language protecting dug wells as well as point-driven wells, makes technical changes and adds a fiscal note to the bill.

SENATE AMENDMENT "A" (S-288) is a technical amendment to renumber the subsections to read consecutively with existing law.

**LD 1438      An Act to Create Wet-weather Water Quality Standards**

**PUBLIC 284**

**SPONSOR(S)**

JACQUES  
BUSTIN

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-366

**SUMMARY**

This bill proposes changes to Maine's water quality standards to allow Maine combined sewer overflow communities to request from the Board of Environmental Protection temporary limited-use segments. These site-specific limited-use segments would remove designated uses for short periods of time after rain storms and snowmelt in areas affected by existing combined sewer overflows.

COMMITTEE AMENDMENT "A" (H-366) adds a statement affirming that the State's goal is to maintain and restore water quality and to eliminate or control combined sewer overflows as soon as practicable. The amendment also clarifies that the Board of Environmental Protection is not required to create a CSO subcategory when the stated conditions are met, but the board has discretion to do so.

**LD 1450      An Act to Reestablish the Office of Environmental  
Evaluation and Lake Studies**

**INDEF PP**

**SPONSOR(S)**

DAMREN

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have provided a General Fund appropriation to reestablish the Office of Environmental Evaluation and Lake Studies.