

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.

LD 1671 An Act to Amend the Laws Regarding the Revolving Loan Fund for Wastewater Facilities

PUBLIC 564
EMERGENCY

Sponsors(s)
MITCHELL EH

Committee Report
OTP-AM

Amendments Adopted
H-733

LD 1671 proposed to amend the current law regarding the revolving loan fund for wastewater facilities to allow the fund to be used for any projects authorized under the federal Clean Water Act and for remediation of municipal landfills that affect groundwater.

Committee Amendment "A" (H-733) proposed to add a provision to the bill clarifying that the Department of Environmental Protection, in prioritizing municipal projects for financing under the revolving loan fund, must consider the availability of cost-effective private sector alternatives to those municipal projects. The amendment also proposed to correct a reference to federal law and to make the bill an emergency measure.

Enacted law summary

Public Law 1995, chapter 564 amends the current law regarding the revolving loan fund for wastewater facilities to allow the fund to be used for any projects authorized under the federal Clean Water Act and for remediation of municipal landfills that affect groundwater. It also clarifies that the Department of Environmental Protection, in prioritizing municipal projects for financing under the revolving loan fund, must consider the availability of cost-effective private sector alternatives to those municipal projects.

Chapter 564 was enacted as an emergency measure effective March 25, 1996.

LD 1672 An Act to Amend Certain Laws Administered by the Department of Environmental Protection

PUBLIC 642
EMERGENCY

Sponsors(s)
GOULD

Committee Report
OTP-AM MIN
OTP-AM MAJ

Amendments Adopted
H-858

LD 1672, which is the omnibus bill submitted by the Department of Environmental Protection, proposed to:

1. Enable the Board of Environmental Protection to open existing air emission licenses prior to their expiration dates for cause, as defined in federal regulations;
2. Extend the repeal date of the Maine Environmental Protection Fund fee schedule to 90 days after adjournment of the Second Regular Session of the 118th Legislature;
3. Allow the limited use of copper compounds and other algicides in situations where lake restoration technologies have been tried and no additional restoration programs are available;
4. Reword current law to provide that, when the parent of a corporation changes but the corporation itself remains intact, no license transfers are required;
5. Repeal the existing hydrocarbon standard for ambient air;

6. Allow the Commissioner of Environmental Protection to enforce contracts entered into by recipients of bond funds for landfill closure and remediation;
7. Allow a license holder to voluntarily surrender a sludge or residual utilization license without the need to extinguish the license through a court action, as required by the Maine Administrative Procedure Act;
8. Revise spill reporting requirements to incorporate revisions to reportable quantities specified in federal regulations;
9. Provide liability protection for persons who voluntarily assist in responding to and cleaning up a discharge of hazardous matter;
10. Clarify the definition of "hazardous materials" for the purpose of the fees imposed by Title 38, section 1319-I, subsection 4-B;
11. Broaden the rule-making authority of the Board of Environmental Protection so that the board can amend its waste oil rules to cover all aspects of waste oil management; and
12. Repeal the requirement for review of low-level radioactive waste facilities by the Department of Environmental Protection.

Committee Amendment "B" (H-858), the minority committee report, was adopted by the Legislature. This amendment proposed to change the provision relating to the use of copper compounds and other algicides in lakes. It would require that copper compounds may be used only if the Department of Inland Fisheries and Wildlife determines that the use will not adversely impact the fishery management plan for the water body.

This amendment also proposed to delete the section of the bill expanding the Department of Environmental Protection's rule-making authority over waste oil and to clarify when ownership of a facility or structure licensed under any law administered by DEP is considered to be transferred.

This amendment proposed to make additional changes to DEP's involvement in regulation of low-level radioactive waste. It proposed to remove the Commissioner of Environmental Protection from the Advisory Commission on Radioactive Waste and to clarify that approval of a low-level radioactive waste facility by the Legislature does not exempt the facility owner or operator from the need to obtain other licenses and approvals required by law.

Committee Amendment "A" (H-857), the majority report of the committee, was not adopted by the Legislature. It included all the provisions in the minority amendment and an additional provision amending the shoreland zoning laws. It proposed to allow a municipality to permit additional expansion in a shoreland zone of structures that do not meet the water setback requirements. Expansion would be allowed provided the total footprint of all structures on the lot did not exceed a prescribed square footage, based on how much shore frontage the lot contained, with a maximum footprint of 1,250 square feet. Height of the expansion would be limited to the lesser of the height of the existing structure or 25 feet.

The provision proposed to prohibit expansion that created further nonconformity with the water setback requirement, prohibited creation of roofed living space closer to the shore than existing roofed living space and limited the expansion of structures closer to the water by prohibiting lateral expansion greater than 30%. The amendment also proposed to require the property owner to take measures to lessen storm water runoff from the expansion by maintaining a buffer strip or providing other measures to lessen the runoff. Finally, the amendment proposed to require that

wastewater disposal systems be in substantial compliance with, or be brought into substantial compliance with, state wastewater disposal rules.

Enacted law summary

Public Law 1995, chapter 642, the omnibus bill submitted by the Department of Environmental Protection, makes a number of changes in the laws implemented by DEP, including the following:

- (1) Extends the repeal date of the Maine Environmental Protection Fund fee schedule to 90 days after adjournment of the Second Regular Session of the 118th Legislature;
- (2) Allows the limited use of copper compounds and other algicides in situations where lake restoration technologies have been tried, no additional restoration programs are available, and use will not harm fisheries management plans;
- (3) Clarifies when ownership of a corporation changes and permits must be transferred;
- (4) Provides liability protection for persons who voluntarily assist in responding to and cleaning up a discharge of hazardous matter; and
- (5) Repeals the requirement for DEP to review low-level radioactive waste facilities, unless the facility falls under the threshold of other general DEP permitting laws, such as the Site Location of Development Law, removes the Commissioner of Environmental Protection from the Advisory Commission on Radioactive Waste and clarifies that approval of a low-level radioactive waste facility by the Legislature does not exempt the facility owner or operator from the need to obtain other licenses and approvals required by law.

Chapter 642 was enacted as an emergency measure effective April 10, 1996.

LD 1721 **Resolve, to Form a Task Force to Examine Methods of Reimbursing Automobile Owners for Emissions Testing and Consequent Repair Costs**

ONTP

<u>Sponsors(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND	ONTP MAJ	
ADAMS	OTP-AM MIN	

LD 1721 proposed to create a task force to examine methods of reimbursing persons for test fees and repair costs incurred as a result of the auto emissions testing program required by state law in 1994 and repealed in 1995. The Task Force would also examine ways to alleviate costs that may be imposed upon motor vehicle owners under any testing program imposed in the future under requirements of federal law.

Committee Amendment "A" (S-442), the minority report of the committee, which was not adopted, proposed to limit the scope of the Task Force to a study of methods of reimbursing motor vehicle owners for test fees paid for the emissions testing program repealed in 1995.