

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
118TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

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

**JULY 1997**

**MEMBERS:**

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*Sen. John M. Nutting*

*Sen. Jeffrey H. Butland*

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**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**FIRST REGULAR AND FIRST SPECIAL SESSIONS**

***Summary Of Legislation Before The Joint Standing Committees***  
***August 1997***

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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

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:

CARRIED OVER.....	Bill carried over to Second Regular Session
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
INDEF PP.....	Bill Indefinitely Postponed
ONT P.....	Ought Not To Pass report accepted
OTP ND.....	Committee report Ought To Pass In New Draft
OTP ND/NT.....	Committee report Ought To Pass In New Draft/New Title
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*  
Offices Located in the State House, Rooms 101/107/135

Public Law 1997, chapter 179 provides for the continuation of dioxin monitoring in the State's waters through the year 2002. The law changes the dates on which the Commissioner of Environmental Protection is required to report on the dioxin monitoring program and the surface water ambient toxics monitoring program to require that both reports be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters by March 31st of each year. The law requires that the report on the results of the dioxin monitoring program be included as part of the report on the surface water ambient toxics monitoring program.

The law also imposes a cap on the total fees that may be assessed by the commissioner on facilities for the costs of sample collection and analysis under the dioxin monitoring program at \$250,000 in any fiscal year.

## LD 364

### An Act to Encourage the Use of Motor Vehicles That Use Alternative Sources of Fuel for the Purpose of Reducing Air Pollution

PUBLIC 500

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN BENNETT	OTP-AM	H-680 S-337 MURRAY S-414 MICHAUD

LD 364 proposed to authorize the Department of Economic and Community Development to select five different joint venture proposals for the purpose of conducting demonstration programs to develop infrastructure to support the use of alternative fuel vehicles.

The bill proposed to establish a program administered by the Finance Authority of Maine to guarantee loans made to operators of vehicle fleets and to businesses for the acquisition of capital equipment necessary to establish alternative fuel vehicle support and maintenance facilities.

The bill proposed to prohibit an insurer from assessing a surcharge on a motor vehicle insurance policy for an alternative fuel vehicle until actuarial data to support the surcharge is developed.

The bill proposed to exempt alternative fuel vehicles from sales and use taxes and personal property taxes.

The bill proposed to direct the Secretary of State to establish procedures for the registration of an alternative fuel vehicle and to issue a special registration plate.

The bill proposed to exempt alternative fuel vehicles from parking fees and registration fees.

The bill proposed to direct the Public Utilities Commission to establish alternative fuel vehicle programs that will entitle electric or natural gas utilities to recover costs if they provide alternative fuel vehicle programs to their customers.

The bill proposed to allow a taxpayer a credit against income tax under certain circumstances relating to alternative fuel vehicles.

The bill proposed to direct the Department of Environmental Protection to study procedures and to implement a program to measure emissions reductions produced by the voluntary operation of vehicles powered by nongasoline fuels and to provide methods by which the emissions reductions would reflect in credits.

The bill also proposed to direct the Department of Economic and Community Development to create a comprehensive alternative fuel vehicle plan.

**Committee Amendment "A" (H-680)** proposed to replace the bill. The amendment proposed to create the revolving Clean Fuel Vehicle Fund under the jurisdiction of the Finance Authority of Maine to make loans to finance clean fuel vehicle projects, including the acquisition or lease of clean fuel vehicles and the acquisition of capital equipment necessary to establish clean fuel vehicle support and maintenance facilities. The amendment also proposed to authorize the authority to insure mortgage loans for clean fuel vehicle projects.

The amendment proposed to permit an insurer to offer credits or refunds on insurance policy premiums in order to encourage the use of clean fuel vehicles if the credits or refunds are not funded through increases in insurance premiums on other vehicles.

The amendment proposed to exempt a portion of the sale or lease price of clean fuel vehicles from excise taxes and sales and use taxes. The exempt portion would be that part of the price that exceeds the price of an otherwise identical vehicle powered by gasoline. The exemptions would not apply to vehicles purchased after December 31, 2005.

The amendment also proposed to allow an income tax credit equal to a percentage of expenditures paid for the development of infrastructure relating to the sale of clean fuels. The credit would not be allowed for expenditures made after December 31, 2005.

The amendment proposed to authorize the Board of Environmental Protection to adopt rules to implement a motor vehicle emissions labeling program for all new vehicles sold within the State in order to educate the public about the types and amounts of motor vehicle emissions. The amendment also proposed to require the Commissioner of Environmental Protection to convene a working group to recommend a motor vehicle emissions incentives and education program. The working group would be required to report its recommendations to the Legislature by February 1, 1998.

The amendment also proposed to add an appropriation section and a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-337)**, presented on behalf of the Committee on Bills in the Second Reading, proposed to change the section number of one of the provisions in the legislation.

**Senate Amendment "C" to Committee Amendment "A" (S-414)** proposed to eliminate the excise tax and sales and use tax exemptions and the income tax credit for clean fuel vehicles. It also proposed to eliminate the appropriation section.

### ***Enacted law summary***

Public Law 1997, chapter 500 creates the revolving Clean Fuel Vehicle Fund under the jurisdiction of the Finance Authority of Maine to make loans to finance clean fuel vehicle projects, including the acquisition or lease of clean fuel vehicles and the acquisition of capital equipment necessary to establish clean fuel vehicle support and maintenance facilities. The law also authorizes the authority to insure mortgage loans for clean fuel vehicle projects.

The law permits an insurer to offer credits or refunds on insurance policy premiums in order to encourage the use of clean fuel vehicles if the credits or refunds are not funded through increases in insurance premiums on other vehicles.

The law authorizes the Board of Environmental Protection to adopt rules to implement a motor vehicle emissions labeling program for all new vehicles sold within the State in order to educate the public about the types and amounts of motor vehicle emissions. The law also requires the Commissioner of Environmental Protection to convene a working group to recommend a motor vehicle emissions incentives and education program. The working group must report its recommendations to the Legislature by February 1, 1998.

**LD 466**

**An Act to Establish Guidelines for the Utilization of Municipal Solid Waste Incinerator Ash and Its Derivatives**

**PUBLIC 418**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT	OTP-AM    MAJ	H-646
AMERO	ONTP      MIN	

LD 466 proposed to establish guidelines in statute, including permitted uses, restrictions and prohibitions, for the use of municipal solid waste incinerator ash. It also proposed to require local approval for any use of 50 or more tons of ash.

**Committee Amendment "A" (H-646)** proposed to replace the bill. The amendment proposed to require the Board of Environmental Protection to adopt rules establishing requirements for the use of municipal solid waste incinerator ash. These rules would be major substantive rules and would be reviewed by the Legislature. The amendment also proposed to specify six issues that the board must consider in developing the rules.

The amendment proposed to prohibit the use of municipal solid waste incinerator ash, except certain uses in a secure landfill, without a license from the Department of Environmental Protection issued pursuant to the new rules. The amendment proposed to prohibit the department from processing or acting upon an application for this license until rules are finally adopted by the board.

The amendment proposed to authorize the use of municipal solid waste incinerator ash processed to remove noncombusted materials and reduce the solubility of metals as daily cover, construction material or in pilot projects in the lined areas of a secure landfill. Each use would have to receive case-by-case approval from the department.

The amendment also proposed to enumerate several findings made by the Legislature with respect to municipal solid waste incinerator ash.

***Enacted law summary***

Public Law 1997, chapter 418 requires the Board of Environmental Protection to adopt rules establishing requirements for the use of municipal solid waste incinerator ash. These rules are major substantive rules and must be reviewed by the Legislature. The law specifies six issues that the board must consider in developing the rules.

The law prohibits the use of municipal solid waste incinerator ash, except certain uses in a secure landfill, without a license from the Department of Environmental Protection issued pursuant to the new rules. The law prohibits the