

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).

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 Regular 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 IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 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
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was prepared waived the privilege or other circumstances existed. The bill proposed to establish a procedure to have the court determine when the privilege may be applied when enforcement authorities request, subpoena or seize an environmental audit report. The bill proposed penalties for violating the nondisclosure requirements.

LD 1135 **Resolve, Regarding Legislative Review of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality** **RESOLVE 18 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1135 proposed to authorize adoption of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

Enacted law summary

Resolve 1997, chapter 18 authorizes final adoption of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

This resolve was enacted as an emergency measure effective May 7, 1997.

LD 1136 **Resolve, Regarding Legislative Review of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality** **RESOLVE 30 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-278
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LD 1136 proposed to authorize adoption of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality.

Committee Amendment "A" (H-278) proposed to require that prior to final adoption of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection, the rule be amended as follows: to require that storm water quality standards appropriate for the area apply to variances for externally drained excavation pits; to require that owners or operators of excavation sites where petroleum products will be stored submit a spill prevention, control and countermeasures plan to the department for review prior to beginning operations; and to authorize the department to require that such a plan include provisions for monitoring groundwater quality.

The amendment proposed to require the department to adopt major substantive rules that set forth the procedural requirements for the conduct of a public informational meeting. It also proposed to require the department to develop an interim policy to provide guidance in the conduct of the public informational meetings required to be held by applicants for a variance pursuant to the Maine Revised Statutes, Title 38, section 490-E.

Enacted law summary

Resolve 1997, chapter 30 authorizes final adoption of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection, but requires that prior to final adoption, the rule be amended as follows: to require that storm water quality standards appropriate for the area apply to variances for externally drained excavation pits; to require that owners or operators of excavation sites where petroleum products will be stored submit a spill prevention, control and countermeasures plan to the department for review prior to beginning operations; and to authorize the department to require that such a plan include provisions for monitoring groundwater quality.

The resolve requires the department to adopt major substantive rules that set forth the procedural requirements for the conduct of a public informational meeting. It also requires the department to develop an interim policy to provide guidance in the conduct of the public informational meetings required to be held by applicants for a variance pursuant to the Maine Revised Statutes, Title 38, section 490-E.

This resolve was enacted as an emergency measure effective May 16, 1997.

LD 1155 An Act to Create a Permanent Funding Source for the Saco River Corridor Commission PUBLIC 330

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM MAJ	H-396
LIBBY	ONTP MIN	H-598 ROWE

LD 1155 proposed to establish an additional source of funding for the Saco River Corridor Commission by establishing the Saco River Corridor Fund in order to partially support the activities of the Commission. The bill proposed to require that by February 1, 1999, the Joint Standing Committee on Natural Resources review whether additional sources of funding to support the Saco River Corridor Commission have been implemented.

Committee Amendment "A" (H-396), the majority report of the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Taxation, proposed to reduce the number of water utilities that would be assessed a fee on the sale of water and fire protection services to fund the activities of the Saco River Corridor Commission by limiting the assessment to those utilities that either draw water directly from the Saco River or from a groundwater source under the influence of the Saco River. The amendment also proposed to change the review requirement in the bill by requiring the commission to report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 15, 2001 on the sources of revenue used to support the activity and operations of the Saco River Corridor Commission. It proposed to require the committee to review the commission's funding by February 1, 2001 to determine whether sufficient sources of additional revenue have been obtained to support the activities of the commission.

House Amendment "A" to Committee Amendment "A" (H-598) proposed to change the Saco River Corridor Fund from a private, interest-bearing account to a nonlapsing dedicated, interest-bearing account. The amendment