

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

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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
 Offices Located in the State House, Rooms 101/107/135

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

also proposed to clarify that assessments on the sale of water may not be the only source of revenue for funding of the Saco River Corridor Fund.

Enacted law summary

Public Law 1997, chapter 330 establishes the Saco River Corridor Fund in order to partially support the activities of the Saco River Corridor Commission. The law requires the commission to impose a fee of 1% on the sale of water and fire protection services by a water utility that draws water directly from the Saco River or from a groundwater source under the influence of the Saco River. The law requires 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 also requires 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.

LD 1217 An Act to Protect the State's Lakes, Rivers and Coastal Wetlands PUBLIC 519
through a Comprehensive Watershed Protection Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM MAJ	H-746
TREAT	OTP-AM MIN	

LD 1217 proposed to authorize the Department of Environmental Protection to create and implement a comprehensive watershed protection program designed to protect the State's lakes, rivers, coastal wetlands and other surface waters from nonpoint source pollution. The program would address both existing and emerging pollution sources that can cause water bodies to experience significant changes in trophic condition, decline in cold water fisheries, harm to marine ecosystems and economic impacts due to these pollution-induced impacts.

Part A proposed to establish the overall program at the Department of Environmental Protection and also to establish a priority watershed program to provide focused attention to high priority watersheds at risk from development. Part A also proposed to require the department to coordinate its efforts with other departments, agencies, private and nonprofit entities involved in regulatory and nonregulatory approaches to watershed protection.

Part A also proposed to authorize the department to establish a compensation fee program, which would provide additional flexibility for new developments that must meet the requirements of the storm water laws of the Maine Revised Statutes, Title 38, section 420-D.

Part B proposed to authorize a General Fund bond issue in the amount of \$2,500,000 to fund the Priority Watershed Program.

Committee Amendment "A" (H-746), the majority report of the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Appropriations and Financial Affairs, proposed to replace the bill. The amendment proposed to establish the Lakes Heritage Trust Fund for the purpose of protecting, preserving and enhancing the quality and value of the State's lakes and great ponds. The fund would be established in the Executive Department to be administered by the Land and Water Resources Council. The amendment also