

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:

Sen. Sharon Anglin Treat, Chair

Sen. John M. Nutting

Sen. Jeffrey H. Butland

Rep. G. Steven Rowe, Chair

Rep. David C. Shiah

Rep. Thomas Bull

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Rep. Paul Bisulca

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Maine State Legislature

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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:

- 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*
- ONTP*.....*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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE TREAT	OTP-AM	H-545

LD 1579 proposed to authorize the Commissioner of Environmental Protection to annually adjust all fees within the Maine Environmental Protection Fund according to the United States Consumer Price Index. The bill also proposed to amend existing law relating to air emission fees to apply the Consumer Price Index to the Department of Environmental Protection's minimum and maximum levels of air emission fees and to the air quality surcharge. The bill proposed to require the Commissioner of Environmental Protection to publish an annual fee schedule.

The bill proposed to make discharges from nonconforming underground oil storage tanks and piping ineligible for coverage by the Ground Water Oil Clean-up Fund if the discharge is discovered or reported after October 1, 1998.

The bill proposed to make costs incurred to implement a voluntary response action plan ineligible for coverage by the Ground Water Oil Clean-up Fund.

The bill proposed to extend fund coverage of eligible spill clean-up costs incurred by owners and operators of oil storage tanks until December 31, 2005. Under current law, fund coverage ends in 1999, leaving an unfunded clean-up liability of between \$40 and \$50 million.

The bill proposed to eliminate from the language that will govern the Ground Water Oil Clean-up Fund after the fund insurance program ends provisions for additional fund transfers to the Finance Authority of Maine and the Maine State Housing Authority.

The bill proposed to make changes to fully effectuate the extension of the groundwater fund insurance program from December 31, 1999 to December 31, 2005.

Committee Amendment "A" (H-545) proposed to add an exception to the provision in the bill making discharges from nonconforming underground oil storage facilities and tanks ineligible for coverage by the Ground Water Oil Clean-up Fund if the discharge is discovered or reported after October 1, 1998. The amendment proposed to extend eligibility for coverage until October 1, 1999 if the facility or tank was not operated or used to store oil after the required removal date and the applicant for coverage was unable to secure financing to remove the facility or tank or unable to obtain the services of a certified underground oil storage tank installer or remover.

The amendment also proposed to strike from the bill the provision making costs incurred to implement a voluntary response action plan ineligible for coverage by the Ground Water Oil Clean-up Fund.

Enacted law summary

Public Law 1997, chapter 374 authorizes the Commissioner of Environmental Protection to annually adjust all fees within the Maine Environmental Protection Fund according to the United States Consumer Price Index and requires the Commissioner of Environmental Protection to publish an annual fee schedule. It also amends existing law to apply the Consumer Price Index to the Department of Environmental Protection's minimum and maximum levels of air emission fees and to the air quality surcharge.

The law makes discharges from nonconforming underground oil storage tanks and piping ineligible for coverage by the Ground Water Oil Clean-up Fund if the discharge is discovered or reported after October 1, 1998, except that it extends eligibility for coverage until October 1, 1999 if the facility or tank was not operated or used to store oil after the required removal date and the applicant for coverage was unable to secure financing to remove the facility or tank or unable to obtain the services of a certified underground oil storage tank installer or remover.

The law extends fund coverage of eligible spill clean-up costs incurred by owners and operators of oil storage tanks until December 31, 2005. It also eliminates from the language that will govern the Ground Water Oil Clean-up Fund after the fund insurance program ends provisions for additional fund transfers to the Finance Authority of Maine and the Maine State Housing Authority. The law makes other changes necessary to fully effectuate the extension of the groundwater fund insurance program from December 31, 1999 to December 31, 2005.

LD 1582 An Act to Clarify and Amend the Storm Water Management Laws, PUBLIC 502
the Erosion and Sedimentation Control Laws, and the Site Location
of Development Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE TREAT	OTP-AM	H-643

LD 1582 proposed to amend the erosion and sedimentation control laws, the storm water management laws and the site location of development laws.

The bill proposed to amend the erosion and sedimentation laws to clarify that sites must be maintained to prevent erosion and sedimentation.

It proposed to amend provisions describing the relationship between storm water management laws and other related laws. It proposed to provide that when a joint order is necessary pursuant to both the natural resources protection laws and the storm water management laws, the review period may be extended. It proposed to amend the provision allowing a municipality or quasi-municipality to substitute a management system for storm water for permit requirements to allow the municipality or quasi-municipality to elect to have this substitution take effect either when the system is approved by the department or when the system is completed.

It proposed that a storm water permit would not be required when a permit is required pursuant to the site location of development laws. However, when the development is reviewed pursuant to the site location of development laws solely under the traffic threshold, so that storm water management may not be reviewed under the site location of development laws, a separate storm water permit might be required.

It proposed to change a reference from "impervious area" to "disturbed area" in the fee provision addressing disturbed area.

It proposed to provide authority for the Department of Environmental Protection to establish a compensation fee program to provide an alternative method of meeting the quality standards for certain sites.