

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. Jeffrey H. Butland

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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

LD 1599 **Resolve, to Encourage Stream and Wetland Enhancement Projects** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUHLIN FISHER	ONTP	

LD 1599 proposed to require the Department of Environmental Protection, Board of Environmental Protection to adopt a rule under the permit by rule provisions of the Maine Revised Statutes, Title 38 permitting conservation groups to improve wetlands, rivers and streams for duck or fish habitats.

LD 1608 **An Act to Create the Mousam Way River Environmental Advisory Committee** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE MACKINNON	ONTP	

LD 1608 proposed to create the Mousam Way River Environmental Advisory Committee.

LD 1621 **An Act to Clarify the Fine for Violation of Certain Land Use Laws** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND CATHCART	ONTP	

LD 1621 proposed to remove the mandatory minimum penalty for violating junkyard and automobile graveyard laws and ordinances.

LD 1633 **An Act to Make Fish in Maine Rivers Safe to Eat and Reduce Color Pollution** **PUBLIC 444**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING CAMERON	OTP-AM A OTP-AM B ONTP C	S-324

LD 1633 proposed to set standards for the discharge of dioxin from bleach kraft pulp mills. It proposed to require these mills to achieve nondetectable levels, defined as under 10 picograms per liter, of 2,3,7,8-tetrachlorodibenzo-p-dioxin inside the mill at the bleach plant by 1998 and nondetectable levels of 2,3,7,8-tetrachlorodibenzo-p-furan by 1999, and to eliminate discharges of dioxin by 2002. The bill proposed to provide that elimination of these discharges is indicated when measurement of fish tissue levels of dioxin downstream from the mill are no higher than those upstream. The bill also proposed to require that the Commissioner of Environmental Protection and the

Commissioner of Human Services perform a thorough assessment on the progress of achieving the total elimination of the discharge of dioxin and to report on these matters to the Legislature in 2003.

The bill proposed to amend the color pollution control standard to require older facilities, those in existence and licensed prior to July 1, 1989, to meet a more stringent standard than current law requires.

Committee Amendment "B" (S-324) proposed to authorize the Commissioner of Environmental Protection to extend the date by which a mill may not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-furan for up to six months if the commissioner determined, based on information presented by the mill, that compliance was not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons.

The amendment also proposed to require that the fish-tissue sampling test used to determine whether a mill is discharging dioxin into its receiving waters must be performed with differences between the average concentrations of dioxin in the fish samples taken upstream and downstream from the mill measured with at least 95% statistical confidence. The amendment proposed to require that for purposes of measuring compliance with the dioxin standards, a mill must sample the internal waste stream of its bleach plant twice per quarter. It also proposed to authorize the Department of Environmental Protection to conduct its own sampling and analysis of the internal waste stream of a bleach plant and to assess the mill for the costs of sampling and analysis. It proposed to require that analysis of the samples be conducted by a third-party laboratory using methodology approved by the United States Environmental Protection Agency. The amendment proposed to authorize the Commissioner of Environmental Protection to reduce the frequency of sampling after three consecutive years of sampling have demonstrated that the mill did not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8-tetrachlorodibenzo-p-furan.

Finally, the amendment proposed to require the department to include in its annual report on the dioxin monitoring program an evaluation of the department's progress toward establishing a fish-tissue sampling test.

Committee Amendment "A" (S-323) proposed to make a technical change to the bill by allocating it to a different section in the statutes. The amendment proposed to strike references to a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8-tetrachlorodibenzo-p-furan and to establish the maximum detection level at 10 picograms per liter. The amendment proposed to authorize the Commissioner of Environmental Protection to extend the date by which a mill may not have a quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-furan exceeding that level for up to six months if the commissioner determined, based on information presented by the mill, that compliance was not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons.

The amendment also proposed to require that the fish-tissue sampling test used to determine whether a mill is discharging dioxin into its receiving waters be performed with differences between the average concentrations of dioxin in the fish samples taken upstream and downstream from the mill measured with at least 95% statistical confidence. The amendment proposed to require that for purposes of measuring compliance with the dioxin standards, a mill must sample the internal waste stream of its bleach plant twice per quarter. It also proposed to authorize the Department of Environmental Protection to conduct its own sampling and analysis of the internal waste stream of a bleach plant and to assess the mill for the costs of sampling and analysis. It proposed to require that analysis of the samples be conducted by a third-party laboratory using methodology approved by the United States Environmental Protection Agency. The amendment proposed to specify that the actual detection levels are public information. The amendment proposed to authorize the Commissioner of Environmental Protection to reduce the frequency of sampling after 3 consecutive years of sampling have demonstrated that the mill did not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8-tetrachlorodibenzo-p-furan.

The amendment proposed to require a mill to sample for polychlorinated dibenzo-para-dioxins, and polychlorinated dibenzo-para-furans in the internal waste stream of the mill's bleach plant for purposes of monitoring levels of dioxin compounds in the bleaching process.

The amendment proposed to require that after December 31, 2005, a mill not have an average bleach plant wastewater flow of more than 10 m³/kkg of air-dried bleached pulp. The amendment proposed to authorize the commissioner to extend this time frame to no later than December 31, 2007 for a mill if the commissioner determined, based on information presented by the mill, that compliance was not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons. The amendment proposed to require the department to adopt rules to establish appropriate flow limitations to account for variability around the average flow standard. The amendment also proposed to require the department to adopt rules establishing standards for dioxin levels in air emissions and sludge from mills that are consistent with the objective of reducing the aggregate impact of dioxin on all environmental media.

The amendment proposed to require that the standards for dioxin levels, bleach plant wastewater flow, compliance testing, monitoring and reporting be incorporated as conditions of a mill's waste discharge license when it is relicensed or modified. The amendment also proposed to authorize the commissioner to pursue any remedy authorized by law, including seeking injunctive relief, if a mill failed to meet the requirements for dioxin levels or reduced flow.

The amendment proposed to require the department to include in its annual report on the dioxin monitoring program an evaluation of the department's progress toward establishing a fish-tissue sampling test.

The amendment proposed to change the reporting date for certain reports required in the bill. It also proposed to require the Commissioner of Environmental Protection and the Commissioner of Economic and Community Development to report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 15, 1999 on recommendations relating to assistance in the financing of capital investments to assist mills in achieving the requirement for reduced bleach plant wastewater flow. The amendment also proposed to require the Commissioner of Environmental Protection to report to the same committee by February 1, 2002 and by February 1st of every even-numbered year thereafter on the progress of mills in moving toward the reduced flow requirement and on other issues related to achieving further reductions in flow.

This amendment was not adopted.

Enacted law summary

Public Law 1997, chapter 444 sets standards for the discharge of dioxin from bleach kraft pulp mills. It requires these mills to achieve nondetectable levels, defined as under 10 picograms per liter, of 2,3,7,8-tetrachlorodibenzo-p-dioxin inside the mill at the bleach plant by 1998 and nondetectable levels of 2,3,7,8-tetrachlorodibenzo-p-furan by 1999, and to eliminate discharges of dioxin by 2002. The law authorizes the Commissioner of Environmental Protection to extend the date by which a mill may not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-furan for up to six months if the commissioner determines, based on information presented by the mill, that compliance is not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons. The law requires that for purposes of measuring compliance with the standards, a mill must sample the internal waste stream of its bleach plant twice per quarter.

The law provides that elimination of dioxin discharges is indicated when measurement of fish tissue levels of dioxin downstream from the mill are no higher than those upstream. The law also requires that the Commissioner of

Environmental Protection and the Commissioner of Human Services perform a thorough assessment on the progress of achieving the total elimination of the discharge of dioxin and to report on these matters to the Legislature in 2003. The law also requires the department to include in its annual report on the dioxin monitoring program an evaluation of the department's progress toward establishing a fish-tissue sampling test.

The law also amends the color pollution control standard to require older facilities, those in existence and licensed prior to July 1, 1989, to meet a more stringent standard than current law requires.

LD 1651 **Resolve, Directing the Department of Environmental Protection to Study and Make Recommendations on the Establishment of a Motor Vehicle Inspection and Maintenance Program to Meet the Requirements of the Federal Clean Air Act** **RESOLVE 57**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE	OTP-AM	H-391 H-566 ROWE

LD 1651, an emergency, proposed to direct the Commissioner of Environmental Protection to study options for complying with the requirements of the federal Clean Air Act relating to a motor vehicle inspection and maintenance program in the State. The resolve proposed to require that the commissioner submit a report to the Legislature by January 5, 1998 that includes at least two proposals for a motor vehicle inspection and maintenance program. In addition, the report would have to include a recommendation as to whether the United States Environmental Protection Agency's Project XL program can be used as an alternative strategy to meet the federal Clean Air Act requirements. The resolve proposed to require the commissioner to solicit input from the public in developing the proposals.

The resolve proposed to require the commissioner to meet with the Joint Standing Committee on Natural Resources at least twice during the study. Finally, the resolve proposed to authorize the committee to report out legislation during the Second Regular Session of the 118th Legislature.

Committee Amendment "A" (H-391) proposed to make two changes to the resolve. It proposed to require the Commissioner of Environmental Protection to consider both roadside testing and annual testing at the time of inspection of heavy duty diesel-powered vehicles when developing a proposal for a motor vehicle inspection and maintenance program. It also proposed to require the commissioner to make a recommendation on the feasibility of including in any new motor vehicle inspection and maintenance program a method of providing credits toward the program requirements to motor vehicle owners who incurred costs under the repealed emission inspection program.

House Amendment "A" (H-566) proposed to remove the emergency preamble and the emergency clause from the resolve.

Enacted law summary

Resolve 1997, chapter 57 directs the Commissioner of Environmental Protection to study options for complying with the requirements of the federal Clean Air Act relating to a motor vehicle inspection and maintenance program in the State. The law requires that the commissioner submit a report to the Legislature by January 5, 1998 that includes at least two proposals for a motor vehicle inspection and maintenance program. In addition, the report must include a recommendation as to whether the United States Environmental Protection