

# 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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**Staff:**

*Amy B. Holland, Legislative Analyst*

*Patrick T. Norton, Principal Analyst*

*Office of Policy and Legal Analysis*

*Room 101/107/135, 13 State House Station*

*Augusta, ME 04333*

*(207)287-1670*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**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:

|   |  |
|---|--|
| <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 &amp; 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&amp;S XXX</i> .....                              | <i>Chapter # of enacted Private &amp; 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

**LD 1745**

**Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Mercury Emissions and Discharges**

**RESOLVE 41  
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TREAT             | OTP-AM                  | S-204                     |

LD 1745 proposed to direct the Land and Water Resources Council to prepare a strategy to evaluate and reduce mercury contamination in Maine's environment. The resolve proposed to direct the council to include its evaluation and recommendations as part of its annual report to the joint standing committee of the Legislature having jurisdiction over natural resource matters, due January 15th each year.

**Committee Amendment "A" (S-204)** proposed to make the following changes to the resolve. The resolve proposed to authorize the Land and Water Resources Council to seek the advice and support of certain groups in developing a long-range strategy to evaluate and reduce mercury contamination in Maine's environment. The amendment proposed to require the council to seek the advice and support of Legislators as well as those groups. The amendment proposed to require the council to report its initial evaluation and recommendations as part of its January, 1998 annual report. The amendment also proposed to give the Joint Standing Committee on Natural Resources authority to report out legislation regarding the reduction of mercury emissions and discharges to the Second Regular Session of the 118th Legislature. The amendment also proposed to make a technical correction and add a fiscal note to the resolve.

***Enacted law summary***

Resolve 1997, chapter 41 directs the Land and Water Resources Council to prepare a long-range strategy to evaluate and reduce mercury contamination in Maine's environment. The council is required to seek the advice and support of several interested groups. The council is further directed to include its evaluation and recommendations as part of its annual report to the joint standing committee of the Legislature having jurisdiction over natural resource matters, with the initial evaluation and recommendations to be included as part of its January, 1998 annual report. The law also gives the Joint Standing Committee on Natural Resources authority to report out legislation regarding the reduction of mercury emissions and discharges to the Second Regular Session of the 118th Legislature.

This resolve was enacted as an emergency measure effective May 30, 1997.

**LD 1836**

**An Act to Facilitate Delegation of the Federal Waste Discharge Permitting Program**

**CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| COWGER            |                         |                           |

LD 1836 proposes to make a series of changes in Maine law necessary for the State to apply for future delegation of the Federal Discharge Licensing and Management Program. Currently, persons having wastewater discharges must obtain licenses from both the United States Environmental Protection Agency and the Department of Environmental Protection and are subject to separate inspection and compliance programs. Delegation would mean

that the State would gain authority to administer the federal program and the need for federal permits would be eliminated in favor of a single state-issued license.

The bill consists of three sections: statutory changes, authorization for a revised waste discharge license fee system and allocation of positions necessary to carry out the program. Part A of the bill proposes statutory changes to address inconsistencies between state and federal law which must be removed before the State can proceed with other portions of a full application to the United States Environmental Protection Agency for delegation of the federal program. Part B of the bill proposes revisions to the fee system that would allow the Department of Environmental Protection to set license fees based on technical considerations and within the framework and limitations established in the bill. The bill proposes to allocate funds to realign some existing positions and to add new positions to carry out the program. These new positions are funded primarily through increased license fees. In addition to supporting new positions for delegation, increases in existing fees are also proposed to address shortfalls in funding for presently authorized positions. The current fees were last adjusted in 1987. This bill has been carried over to the Second Regular Session of the 118th Legislature.

See also LD 1138, which was referred to the Joint Standing Committee on Appropriations and Financial Affairs and was amended to appropriate \$200,000 to cover shortfalls in the Waste Water Licensing Program.