

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
NATURAL RESOURCES

MAY 1998

**MEMBERS:**

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*Sen. John M. Nutting*

*Sen. Jeffrey H. Butland*

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**Staff:**

*Amy B. Holland, Legislative 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**  
**SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

- 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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

5. Requires that personal watercraft rental and leasing agents obtain a certificate from the Department of Inland and Fisheries and Wildlife in order to lawfully rent or lease personal watercraft after January 1, 1999, with the exception of commercial sporting camps, campgrounds and property owners who offer personal watercraft for use by people who rent or lease that property;
6. Grants immunity to lake associations from personal injury, property damage or death caused by the association's buoys;
7. Increases from 200 to 400 feet the maximum distance a water utility or municipality may place buoys and limit activities around intakes to public water supplies;
8. Authorizes the Maine Indian Tribal-State Commission to adopt rules to regulate horsepower and use of motors on waters less than 200 acres that are entirely within Indian Territory. (That authority does not take effect until approved by the Passamaquoddy Tribe and the Penobscot Nation, as required by the Land Claims Settlement Act.)
9. Establishes 16 as the minimum age to operate a personal watercraft;
10. Creates new civil penalties for operating a motorboat in excess of certain noise limits and for tampering with a motorboat muffler system.
11. Requires LURC, DIFW and BPL to report to the Legislature next session on the scope of their authority to regulate surface water uses and to make recommendations for regulating water bodies within their jurisdiction; and
12. Requires the DIFW to report back separately on a proposal for a safety training and education program for motorboat operators on inland waters.

**LD 1836**

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

**PUBLIC 794**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	H-910 S-705 NUTTING

LD 1836 proposed 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.

The bill proposed to make 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. The bill proposed to make revisions to the waste discharge license 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 proposed to make allocations to realign some existing positions and add new positions. These new positions would be funded primarily through increased license fees.

**Committee Amendment "A" (H-910)** proposed to do the following.

1. It proposed to make a technical change to the language in the bill regarding an affirmative defense for a violation of a wastewater discharge license resulting from an unavoidable malfunction.
2. It proposed to require the Department of Environmental Protection to consult with the applicant for a discharge license and interested parties if the department establishes effluent limits on a case-by-case basis because no applicable standards exist.
3. It proposed to make a technical change to the language in the bill regarding licenses to treat public water supplies with copper sulfate or related compounds.
4. It proposed to authorize the Board of Environmental Protection rather than the Administrative Court to modify, revoke or suspend a waste discharge license.
5. It proposed to require that rules adopted by the department relating to permits issued under the Federal Water Pollution Control Act comply with the federal act.
6. It proposed to strike out language in the bill relating to fee adjustments that was enacted in previous legislation.
7. It proposed to make changes to the fee structure for annual waste discharge licenses to reflect General Fund support for the program.
8. It proposed to establish lower discharge fee rates to be used in computing waste discharge license fees during the first year after enactment of the legislation to reflect the deferred hiring of 2 positions.
9. It proposed to require the department to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 1, 2001 concerning the waste discharge licensing program and the department's handling of its increased responsibilities under the program.
10. It proposed to change the allocation section to reflect General Fund support for the program.

**Senate Amendment "A" to Committee Amendment "A" (S-705)** proposed to require the Commissioner of Environmental Protection to explore all available funding opportunities prior to the implementation of the 2nd tier of waste discharge fees.

#### ***Enacted law summary***

Public Law 1997, chapter 794 makes a series of statutory changes to allow the State to apply for future delegation of the Federal Discharge Licensing and Management Program. The law revises the waste discharge license fee structure and establishes lower discharge fee rates to be used in computing waste discharge license fees during the first year after enactment. The law requires the Commissioner of Environmental Protection to explore all available funding opportunities prior to the implementation of the revised fee structure with the second tier of discharge fee rates. The law also allocates funds for 8 new positions.