

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES

MAY 1998

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

Rep. Scott W. Cowger

Rep. Linda Rogers McKee

Rep. Bruce S. Bryant

Rep. Edward L. Dexter

Rep. Roy I. Nickerson

Rep. June C. Meres

Rep. Clifton Foster

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).

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.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ ONTP MIN	H-786

LD 1944 proposed to describe the situations in which environmental fines could be used for environmental projects such as research, habitat enhancement or protection, public education, pollution prevention or local emergency planning. The bill proposed to more clearly define and ratify many of the concepts in the Department of Environmental Protection's current policy governing supplemental environmental projects.

Committee Amendment "A" (H-786) proposed to clarify that supplemental environmental projects may not be used as part of a civil enforcement action settlement for repeat violations by the same person of the same or a substantially similar law administered by the Department of Environmental Protection. The amendment also proposed to specify that a project that the violator had previously planned and budgeted for may not be used as a supplemental environmental project. The amendment also proposed to clarify that supplemental environmental projects may not be used to offset any calculable economic benefit of noncompliance. Finally, the amendment proposed to strike reference to rules and any other terms and conditions that may be adopted by the Commissioner of Environmental Protection or the Attorney General.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 570 authorizes the use of a portion of a fine resulting from a civil enforcement action settlement for a violation of the environmental laws for an environmental project such as pollution prevention or reduction projects, environmental enhancement projects, research projects or public health projects. The law specifies the situations in which supplemental environmental projects may be used to mitigate a portion of an assessed penalty.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-797 H-995

LD 1972 proposed to make changes in the provisions of the Maine Revised Statutes, Title 12, chapter 807, Forest Fire Control and Title 38, chapter 24, Solid Waste Management and Recycling to:

1. Address citizen complaints about the numerous barrel incinerators in the State and the concern for public health impacts from localized emissions of backyard trash burning that include high levels of fine particulates, dioxin, furans and other hazardous air pollutants;