

# 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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**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.

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

LD 2111 proposed to amend the State's toxic use, toxic release and hazardous waste reduction laws by establishing new reduction goals through the year 2006 and focusing the program on water and air toxics. The bill proposed to continue planning requirements and to establish an approval process of plan summaries by the Department of Environmental Protection. The bill proposed to eliminate the fee requirement for small quantity generators and to establish a new fee structure. It also proposed to add the state toxicologist within the Department of Human Services and the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee to the Pollution Prevention Advisory Committee within the Department of Environmental Protection.

**Committee Amendment "A" (S-662)**, the majority report of the Joint Standing Committee on Natural Resources, proposed to retain the provision in the bill that adds the state toxicologist and the Commissioner of Agriculture, Food and Rural Resources to the Pollution Prevention Advisory Committee within the Department of Environmental Protection and to strike the rest of the bill.

The amendment proposed to repeal the definition of "extremely hazardous substance" and amend the definitions of "toxic substance," "toxics releaser" and "toxics user." The amendment proposed to establish new toxics use, toxics release and hazardous waste reduction goals through the year 2006.

The amendment proposed to require the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters biennially beginning January 1, 2003 on progress toward meeting the reduction goals and to require an interim report by January 1, 2001 on the establishment of baselines, facilities that have achieved 51% reductions, exemptions and progress toward computerizing data.

The amendment proposed to make the toxics use reduction goals voluntary but to require a toxics user to examine, plan and implement means of reducing toxics use. The amendment proposed to specify that a facility that increased or did not reduce its use of toxics from the 1990 baseline must be put on a department priority list for technical assistance and must submit a reduction plan summary by July 1, 1999 for department approval. The amendment proposed to maintain the exemption from toxics use planning, reporting and fee requirements for drinking water supply treatment facilities and municipal wastewater treatment facilities and to add an exemption from the toxics use and toxics release requirements for retail and wholesale distribution facilities of refined petroleum products and an exemption from the toxics use, toxics release and hazardous waste requirements for pesticide distribution and application activities regulated by the Board of Pesticides Control.

The amendment proposed to require toxics releasers and hazardous waste generators that ship 1,320 pounds or more of hazardous waste in a calendar year to meet the revised reduction goals and to require those that did not meet the original reduction goals to meet them by January 1, 1999.

The amendment proposed to exempt from the reduction goals a facility that reduces by January 1, 2000 the aggregate amount of toxics used, toxics released or hazardous waste generated by 51% or more from the facility's original baseline amount but to require such a facility to meet the reporting and fee requirements. It also proposed to establish alternative projects that such a facility may perform. The amendment also proposed to specify that

such a facility may not increase the amount of toxics used, toxics released or hazardous waste generated per unit of product at the facility, whichever is applicable, using 1998 as the base year.

The amendment proposed to continue the requirement in current law that facilities develop plans for their own use in meeting the reduction goals and to specify requirements for employee involvement in developing the plans. It also proposed to require facilities to submit summaries of the plans to the Commissioner of Environmental Protection for approval and to specify a process for protecting confidential information in the plan summaries.

The amendment proposed to establish a revised fee structure for hazardous waste generators, toxics users and toxics releasers. It also proposed to establish penalty fees for failure to meet reduction requirements.

The amendment proposed to require the Department of Environmental Protection to develop, in consultation with the Bureau of Health within the Department of Human Services, a health-based ranking system for toxic substances and a graduated fee system for toxic substances based on the toxicity ranking. The amendment proposed to require the department to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters an interim report on the ranking system by January 1, 1999 and a final report on the ranking system and the fee system by January 1, 2000. The amendment also proposed to require the department to establish a biennial environmental awards program to reward facilities that are high achievers in meeting the toxics use reduction goals. This amendment was not adopted.

**Committee Amendment "B" (S-663)**, the minority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill and change the title. The amendment proposed to extend the deadline for meeting the 30% reduction goals for toxics use, toxics release or hazardous waste generation from January 1, 1998 to January 1, 1999. The amendment proposed to clarify that the fee requirements for toxics users, toxics releasers and hazardous waste generators continue regardless of whether the goals are met. The amendment also proposed to require the Department of Environmental Protection to consult with interested parties and to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 1, 1999 regarding the toxics use and hazardous waste reduction laws and any recommendations for changes. This amendment was not adopted.

**LD 2119                      An Act to Clarify the Responsibilities of the Advisory Commission                      PUBLIC 700  
on Radioactive Waste during the Decommissioning of Maine Yankee                      EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM    MAJ ONTP      MIN	S-514 S-540    KILKELLY

LD 2119 proposed to make the following changes to the laws that govern the Advisory Commission on Radioactive Waste.

1. It proposed to change the name of the commission to the Advisory Commission on Radioactive Waste and Decommissioning.
2. It proposed to specify that one of the Senators and one of the Representatives appointed to the commission must be members of the joint standing committee of the Legislature having jurisdiction over natural resource matters and one of the Senators and one of the Representatives appointed to the commission must be members of the joint standing committee of the Legislature having jurisdiction over utility and energy matters. It also proposed