

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:

Sen. Sharon Anglin Treat, Chair

Sen. John M. Nutting

Sen. Jeffrey H. Butland

Rep. G. Steven Rowe, Chair

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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).

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.

development given this exemption would be one that reuses a building and associated facilities on the former military base that was in existence on September 29, 1995.

6. It proposed to prohibit the study on nonpoint source pollution from addressing buffer strips on land used for agricultural or silvicultural purposes. It also proposed to require the study to evaluate the availability of nonphosphorous fertilizers for use on lawns and other domestic areas.

Enacted law summary

Public Law 1997, chapter 748 provides that erosion and sedimentation prevention provisions apply to certain property in an organized area of the State subject to erosion of soil or sediment into a protected natural resource because of a human activity before July 1, 1997 involving filling, displacing or exposing soil or other earthen materials. The prevention provisions apply on and after July 1, 2005 on property that is located in the watershed of a body of water most at risk as identified in the Department of Environmental Protection's storm water rules and that is subject to erosion of soil or sediment into a protected natural resource. The prevention provisions apply on and after July 1, 2010 on other property that is subject to erosion of soil or sediment into a protected natural resource.

The law amends the mandatory shoreland zoning laws to authorize a municipality to adopt an ordinance that permits the expansion of nonconforming structures using standards different from the current 30% expansion rule. It establishes standards for such expansions, including floor area and height limits, and authorizes a municipality to permit an expansion with an extra 500 square feet of floor area if the principal structure is set back at least 50 feet and a well-distributed stand of trees extends at least 50 feet inland or a written plan to establish such a buffer is approved by the planning board.

The law amends the site location of development laws to exempt certain development on former military bases from the traffic threshold that triggers a review of that development under the law. A development given this exemption is one that reuses a building and associated facilities on the former military base that was in existence on September 29, 1995.

The law requires the Department of Environmental Protection to submit several reports on nonpoint source pollution, erosion control and shoreland zoning.

LD 2269

An Act to Reduce Mercury Use and Emissions

PUBLIC 722

Sponsor(s)
RUHLIN
ROWE

Committee Report
OTP-AM

Amendments Adopted
S-643

LD 2269 proposed to make the following changes to the laws governing mercury use and emissions.

1. It proposed to amend the provisions of law governing the discharge of mercury by a person, firm, corporation or other legal entity that on January 1, 1971 was discharging mercury in connection with an industrial process by providing that after January 1, 2000 such a discharge must be less than one pound per year and after January 1, 2002 such a discharge must be less than 4.5 grams per year. These provisions would be repealed January 1, 2004. After January 1, 2004, the current general provision of law that prohibits the discharge of

mercury and any compound containing mercury in any concentration that increases the natural concentration of mercury in the receiving waters would apply.

2. It proposed to require that the Board of Environmental Protection affirmatively find that a facility using mercury in its industrial process has operated and will operate in compliance with applicable environmental requirements or the facility may not operate after April 1, 2000.
3. It proposed to provide that an air emission source may not emit mercury in excess of 100 pounds per year after January 1, 2000 and 50 pounds per year after January 1, 2004.
4. It proposed to provide that any industrial manufacturing source that uses 1000 pounds or more of mercury in a year in its manufacturing process, using 1998 as a baseline figure, must reduce mercury use by 10% no later than January 1, 2002, 20% no later than January 1, 2004 and 30% no later than January 1, 2006. Failure to achieve these reductions could trigger the penalties specified in the environmental protection laws.
5. It proposed to direct the Land and Water Resources Council to establish a process to identify economic development opportunities consistent with the special status of the lower Penobscot River.

Committee Amendment "A" (S-643) proposed to do the following.

It proposed to change the mercury discharge limit for a facility that on January 1, 1971 was discharging mercury in connection with an industrial process by maintaining the provision in the bill that requires the discharge to be less than one pound per year after January 1, 2000 and amending the bill to require the discharge to be less than 1/10 of a pound after January 1, 2002. It proposed to maintain the provision in the bill that would allow no discharge from such a facility after January 1, 2004 that increases the natural concentration of mercury in the receiving waters.

It proposed to strike from the bill the provision requiring an affirmative determination by the Board of Environmental Protection that a facility using mercury in its industrial process has operated and will operate in substantial compliance with environmental requirements or the facility must discontinue its use of mercury after April 1, 2000.

It proposed to amend the provision in the bill that establishes air emission limits to allow an air emission source to apply to the board for a 6-month extension of the January 1, 2004 deadline for limiting mercury emissions to 50 pounds per year or to apply to the board for a license modification establishing an alternative emission limit for mercury. It proposed to require the board to grant such a license modification if it finds that the proposed limit meets the most stringent emission limitation that is achievable and compatible with the class of source, considering economic feasibility. The amendment also proposed to extend the compliance date for the 100-pound emissions limit to December 19, 2000 for a resource recovery facility that is subject to an emissions limit for mercury that is adopted by rule by the board.

The amendment proposed to strike from the bill the provision requiring toxics use reductions for mercury.

The amendment proposed to require the Land and Water Resources Council to submit a report and implementing legislation by January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on issues relating to mercury-added products sold in the State.

The amendment also proposed to require the Department of Environmental Protection to submit a report by February 1, 1999 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on compliance with the water quality standards for mercury, the results of effluent testing using more

refined testing protocols and the status of approval of those protocols and the levels of natural concentrations of mercury in receiving waters.

Enacted law summary

Public Law 1997, chapter 722 amends the provisions of law governing the discharge of mercury by a person, firm, corporation or other legal entity that on January 1, 1971 was discharging mercury in connection with an industrial process by providing that after January 1, 2000 such a discharge must be less than one pound per year and after January 1, 2002 such a discharge must be less than 1/10 of a pound per year. These provisions are repealed January 1, 2004, when the current general provision of law that prohibits the discharge of mercury and any compound containing mercury in any concentration that increases the natural concentration of mercury in the receiving waters applies.

The law provides that an air emission source may not emit mercury in excess of 100 pounds per year after January 1, 2000 and 50 pounds per year after January 1, 2004. It allows an air emission source to apply to the board for a 6-month extension of the January 1, 2004 deadline or to apply to the board for a license modification establishing an alternative emission limit for mercury. It requires the board to grant such a license modification if it finds that the proposed limit meets the most stringent emission limitation that is achievable and compatible with the class of source, considering economic feasibility. The law also extends the compliance date for the 100-pound emissions limit to December 19, 2000 for a resource recovery facility that is subject to an emissions limit for mercury that is adopted by rule by the board.

The law directs the Land and Water Resources Council to establish a process to identify economic development opportunities consistent with the special status of the lower Penobscot River. It also requires the Land and Water Resources Council to submit a report and implementing legislation by January 1, 1999 on issues relating to mercury-added products sold in the State.

The law also requires the Department of Environmental Protection to submit a report by February 1, 1999 on compliance with the water quality standards for mercury, the results of effluent testing using more refined testing protocols and the status of approval of those protocols and the levels of natural concentrations of mercury in receiving waters.