

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES**

JULY 1999

MEMBERS:

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Sen. James D. Libby

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Staff:

Amy B. Holland, Legislative Analyst

David C. Webb, Esq., 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 NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

CARRIED OVER.....Bill carried over to Second Regular Session
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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

Joint Standing Committee on Natural Resources

LD 21 **An Act to Eliminate the Use of MTBE in Maine** **CARRIED OVER**

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

LD 21 proposes to prohibit the sale of gasoline or fuel products that are treated with MTBE. This bill was carried over to the Second Regular Session of the 119th Legislature.

LD 100 **An Act to Expedite the Permitting Process within the Department of Environmental Protection** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| KNEELAND KIEFFER | ONTP | |

LD 100 proposed to require that when a presubmission meeting is held for a project that requires multiple permits from the Department of Environmental Protection, the Commissioner of Environmental Protection would provide the applicant with a list of the information necessary for all the required permit applications to be accepted as complete for processing.

LD 141 **An Act to Amend the Diesel-powered Motor Vehicle Emission Opacity Testing Program** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| GAGNE PINGREE | ONTP | |

LD 141 proposed to make a violation of the diesel-powered motor vehicle emission opacity testing program a traffic infraction resulting in a \$100 fine. The bill proposed to require the court to suspend the fine if the defendant could certify to the court that the required repairs were made prior to the hearing date.

LD 301 **An Act to Amend the Open-burning Laws** **ONTP**

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

LD 301 proposed to prohibit the out-of-door burning of wooden boxes or other wood material, paper and cardboard and the burning of demolition debris at solid waste disposal facilities.

The bill also proposed to eliminate as criteria for issuing any permit or permission for allowable burning the public health risk from toxic chemicals in the smoke plume and the practicality of locating the incinerator at least 300 feet from any abutting property boundary and at least 150 feet from any residential dwelling.

LD 342 **An Act to Amend the Laws Regarding the Fee Paid When Purchasing a New Tire or Battery** **ONTP**

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

LD 342 proposed to require that the revenues obtained from the recycling assistance fee imposed on the retail sale of new tires and new lead-acid batteries must be used to pay off any publicly approved bond issues that have the purpose of cleaning up tire stockpiles. In addition, this bill proposed to repeal the recycling assistance fee for new tires and new lead-acid batteries upon the complete payment of all bond issues pertaining to the cleanup of tire stockpiles.

LD 498 **An Act Relating to Transfer of Ownership of Dams** **PUBLIC 71
EMERGENCY**

| | | | | |
|---------------------------------------|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u> COLWELL TREAT | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-106 |
|---------------------------------------|--|-----------------------------------|--|------------------------------------|

LD 498 proposed to require prospective dam owners under the dam abandonment statutes to provide a plan to the Maine Emergency Management Agency that provides proof of sufficient liability insurance and compliance with Maine Emergency Management Agency regulations. This bill also proposed to provide that if the ownership of a dam is assumed by a municipality, 75% of the operational funding must be provided by the State through the Local Government Fund under the state-municipal revenue sharing program.

Committee Amendment "A" (H-106) proposed to replace the original bill. It proposed to require new owners of a dam classified as a high or significant hazard dam to provide the Director of the Maine Emergency Management Agency with the name and address of the new owner or owners 45 days prior to any change of ownership of the dam, along with a copy of the new owner's plan to operate the dam. This amendment also proposed to require the director to conduct a hazard examination and an on-site structural stability inspection of each high or significant hazard dam in the State at least once every 6 years or within 30 days of receiving notice of the change of ownership of the dam, unless the dam has been inspected within four years preceding the date of transfer. Finally, the amendment proposed to make dam owners responsible for any additional inspection fees incurred by the Maine Emergency Management Agency in connection with an inspection relating to a transfer of ownership.

Enacted law summary

Public Law 1999, chapter 71 requires a new owner or owners of a dam classified as a high or significant hazard dam to provide the Director of the Maine Emergency Management Agency with the name and address of the new owner or owners 45 days prior to any change of ownership of the dam, along with a copy of the new owner's plan to operate the dam. This law also requires the director of the Maine Emergency Management Agency to conduct a hazard examination and an on-site structural stability inspection of each high or significant hazard dam in the State at least once every 6 years or within 30 days of receiving notice of the change of ownership of the dam, unless the dam has been inspected within four years preceding the date of transfer. Finally, the law makes dam owners responsible for any