

# 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. John M. Nutting*

*Sen. James D. Libby*

*Rep. John L. Martin, Chair*

*Rep. Scott W. Cowger*

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**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](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:

*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.

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>
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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
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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

additional inspection fees incurred by the Maine Emergency Management Agency in connection with an inspection relating to a transfer of ownership.

Chapter 71 was enacted as an emergency measure effective April 16, 1999.

**LD 593**

**An Act to Promote the Recycling of Fish Scales as Agricultural Fertilizer**

**PUBLIC 283  
EMERGENCY**

Sponsor(s)  
KILKELLY  
PIEH

Committee Report  
OTP-AM

Amendments Adopted  
S-183

LD 593 proposed to extend to fish scales the same exemption from Maine's solid waste laws accorded to waste resulting from agricultural activities, as long as these fish scales are returned to the soils as fertilizers.

**Committee Amendment "A" (S-183)** proposed to replace the bill, add an emergency preamble and an emergency clause. It proposed to allow a person to use fish scales as a crop nutrient supplement without a license as long as the type of scales and the process for extracting, handling and spreading the scales have received initial review and approval by the Department of Environmental Protection, that the farm using fish scales has developed and implemented a nutrient management plan and that the person supplying the fish scales provides the department with the name of the person receiving the scales, the location where the scales will be used and the quantity of the fish scales shipped within seven days of shipping the scales.

***Enacted law summary***

Public Law 1999, chapter 283 allows a person to use fish scales as a crop nutrient supplement without a license as long as the type of scales and the process for extracting, handling and spreading the scales have received initial review and approval by the Department of Environmental Protection, that the farm using fish scales has developed and implemented a nutrient management plan and that the person supplying the fish scales provides the department with the name of the person receiving the scales, the location where the scales will be used and the quantity of the fish scales shipped within seven days of shipping the scales.

Chapter 283 was enacted as an emergency measure effective May 21, 1999.

**LD 638**

**An Act to Amend the Closure and Remediation Cost-sharing Program  
Concerning Landfills**

**ONTP**

Sponsor(s)  
CASSIDY

Committee Report  
ONTP

Amendments Adopted

LD 638 proposed to allow public entities to be eligible for reimbursement or cost-sharing grants for costs incurred in the closure or remediation of a solid waste landfill if the public entity accepted responsibility for the closure of a landfill.