

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

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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
ONT P.....	Ought Not To Pass report accepted
OT P ND.....	Committee report Ought To Pass In New Draft
OT P 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.

health or the environment. Under current law, a responsible party or person must report any discharge of hazardous matter into the waters of the State, onto the land or into the ambient air.

LD 712 **Resolve, Creating a Task Force to Investigate the Effects of Unratified International Treaties Implemented by State Agencies** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP	

LD 712 proposed to establish a task force to investigate the impact on state agencies of unratified international treaties such as the conventions on climate change and biodiversity. While the committee voted ONTP on this bill, the Legislature enacted P. L. 307, (See LD 2131) which addresses notice issues and consensus based rule development processes by requiring agencies to give advance notice of meetings and rulemakings to representative groups and other interested parties.

LD 770 **An Act to Make the Laws Governing State Ambient Air Quality for Ozone and Particulate Matter Consistent with Federal Requirements** **PUBLIC 79**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-105

LD 770 proposed to amend the air quality laws in Maine by changing the standards for particulate matter and the threshold for ozone advisories to be consistent with new federal standards.

This bill was submitted on behalf of the Department of Environmental Protection.

Committee Amendment "A" (H-105) proposed to change the ozone particulate standard from 84 parts per billion to .08 parts per million to mirror the National Ozone Standard.

Enacted law summary

Public Law 1999, chapter 79 modifies the standards for particulate matter and the threshold for ozone advisories from 84 parts per billion to .08 parts per million to be consistent with the National Ozone Standard.

LD 909 **An Act to Amend the Laws Governing the Land Application of Municipal Wastewater Treatment Plant Sludge** **PUBLIC 393**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY	OTP-AM	S-317

LD 909 proposed to clarify the partial preemption of home rule authority that governs municipal ordinances regarding solid waste facilities to allow municipalities to require the testing of the actual wastewater treatment plant sludge that is going to be spread in that municipality to ensure that it meets the standards or parameters that are otherwise established by state law or rule. This bill proposed to limit the municipal testing authority to one analysis per site for each year. In addition, this bill proposed to require the Department of Environmental Protection to conduct at least one inspection annually of all the sites that are located in municipalities that the department approves for the spreading of sludge if sludge was applied to the site during the calendar year.

Committee Amendment "A" (S-317) proposed to amend the bill as follows.

1. It proposed to provide for a definition of "sludge" for the Maine Hazardous Waste, Septage and Solid Waste Management Act.
2. It proposed to provide that, effective January 1, 2000, all rules adopted relating to the agronomic utilization of sludge are major substantive rules.
3. It proposed to require the Department of Environmental Protection to notify the affected municipality within 14 working days from its receipt of an application for a sludge land application site or storage facility.
4. It proposed to require the department to provide a municipality with copies of all test results performed on the sludge material that will be spread in that municipality.
5. It proposed to require the department to consult with the municipal officers within 10 days of receiving any request by the generator to change the terms or conditions of any permit or license.
6. It proposed to allow the municipality to petition the Commissioner of Environmental Protection to review a generating facility's testing protocol for sludge.
7. It proposed to permit the Commissioner of Environmental Protection to order the applicant to conduct an additional test at the applicant's cost, and to require a copy of the additional test results to be provided to the municipality.
8. It proposed to prohibit sludge land application sites within 75 feet of any river, perennial stream or great pond, and a storage site or storage facility that is off the site of generation of the sludge and that is within 250 feet of any river, perennial stream or great pond.
9. It proposed to allow a person who owns property that abuts a sludge land application site or storage facility to restrict the sludge application or sludge storage site to no less than 50 feet from the abutting property boundary.

Enacted law summary

Public Law 1999, chapter 393 does the following:

1. It provides for a definition of "sludge" for the Maine Hazardous Waste, Septage and Solid Waste Management Act.
2. It provides that, effective January 1, 2000, all rules adopted relating to the agronomic utilization of sludge are major substantive rules.
3. It requires the Department of Environmental Protection to notify the affected municipality within 14 working days from its receipt of an application for a sludge land application site or storage facility.
4. It requires the department to provide a municipality with copies of all test results performed on the sludge material that will be spread in that municipality.
5. It requires the department to consult with the municipal officers within 10 days of receiving any request by the generator to change the terms or conditions of any permit or license.
6. It allows the municipality to petition the Commissioner of Environmental Protection to review a generating facility's testing protocol for sludge.
7. It permits the Commissioner of Environmental Protection to order the applicant to conduct an additional test at the applicant's cost. A copy of the additional test results must be provided to the municipality.

8. It prohibits sludge land application sites within 75 feet of any river, perennial stream or great pond, and a storage site or storage facility that is off the site of generation of the sludge and that is within 250 feet of any river, perennial stream or great pond.
9. It allows a person who owns property that abuts a sludge land application site or storage facility to restrict the sludge application or sludge storage site to no less than 50 feet from the abutting property boundary.

LD 921

An Act to Opt Out of the Requirement to Use Reformulated Gas

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	ONTP	

LD 921 proposed to require the Governor to petition the federal government to end the requirement for sale of reformulated gas in certain counties in the State.

LD 940

An Act to Permit Property Owners to Put Sand on and Rake Their Beaches

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACK	ONTP	

LD 940 proposed to allow property owners who own land on the water to rake their beaches without the need to get permits under the natural resources protection laws. The bill also proposed to allow property owners on Sebago Lake to add sand, gravel and rocks to their beaches for 1 1/2 years without the need to get permits. The bill proposed to repeal this exception to the permit requirement 18 months from the effective date.

LD 953

An Act to Reclassify Certain Waters of the State

PUBLIC 277

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J CAMERON	OTP-AM	S-220

LD 953 proposed to implement a list of recommendations made by the Board of Environmental Protection for the reclassification of surface waters pursuant to the guidance provided in the Maine Revised Statutes, Title 38, section 464, subsection 2. The proposed reclassifications are based on actual water quality data, water quality model projections after completion of treatment facilities or other management changes to these waters, and from public comments received at a series of statewide public hearings conducted by the board to acquire information on present and potential use.

This bill was submitted on behalf of the Department of Environmental Protection.

Committee Amendment "A" (S-220) proposed to do the following:

1. To reclassify the South Branch Carrabassett River from Class A to Class AA, but to specify that the existing use of permitted water withdrawal from that river segment provides significant social and economic benefits and may be maintained;