

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**SECOND REGULAR SESSION**

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

**JULY 2000**

**MEMBERS:**

*Sen. Sharon Anglin Treat, Chair  
Sen. John M. Nutting  
Sen. James D. Libby*

*Rep. John L. Martin, Chair  
Rep. Scott W. Cowger  
Rep. Linda Rogers McKee  
Rep. David M. Etnier  
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**ONE HUNDRED NINETEENTH LEGISLATURE**  
**SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees***  
***July 2000***

We are pleased to provide this summary of 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:

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  
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  
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 August 11, 2000.

**David E. Boulter, Director**  
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**LD 1457****An Act to Decrease Restrictions on the Sale of Land****ONTP**

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

LD 1457 proposed to permit a landowner to divide a tract or parcel of land into 3 lots within any 5-year period without creating a subdivision as that term is defined in the planning and land use regulation laws if the landowner has owned the parcel to be divided for a period of at least 5 years before the first dividing occurs and both dividings create, at the time of each dividing, a lot no larger than 140% of the minimum size lot on which a structure may be built pursuant to the applicable municipal ordinance. The bill proposed to add language making the Act retroactive to a date 5 years prior to the effective date of the Act.

**LD 1506****Resolve, to Require the Department of Environmental Protection to Reimburse Homeowners for Malfunctioning On-site Peat Sewage Disposal Systems****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA DUPLESSIE	ONTP	

LD 1506 proposed to require the Department of Environmental Protection and the Department of Human Services to identify all on-site peat sewage disposal systems installed since October 1, 1988 that have failed or are currently malfunctioning due to improper installation. The resolve further proposed to direct the Department of Environmental Protection to reimburse the homeowners from within its existing budgeted resources for all costs associated with fixing or replacing the malfunctioning system.

The resolve also proposed to direct the Department of Human Services, Division of Health Engineering to provisionally adopt major substantive rules by January 31, 2000 that upgrade those systems from experimental to general use status and that establish clear guidelines for installing such systems.

**LD 1519****An Act to Encourage Environmental Management Systems****PUBLIC 562**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM	H-801

LD 1519 proposed to establish a state policy to encourage facilities to develop and implement environmental management systems that conform to international standards. The bill proposed to require the Commissioner of Environmental Protection to develop and implement an incentives program to encourage facilities to implement environmental management systems by offering regulatory relief to facilities that implement certified environmental management systems.

**Committee Amendment "A" (H-801)** proposed to require the Commissioner of Environmental Protection to develop and implement an environmental management system incentive program to encourage entities to develop and implement environmental management systems that, at a minimum, conform to international standards, comply with all applicable environmental laws, rules and regulations and prevent and reduce pollution. The incentives could include alternative schedules for routine compliance inspections, alternative record-keeping and reporting systems and public recognition by the commissioner. The amendment proposed that, in order to be eligible for incentives, an entity must have met several requirements. The amendment proposed to require the commissioner to revoke all incentives granted to an entity if the entity no longer meets the eligibility requirements.

The amendment proposed to establish a repeal date of December 31, 2002 for the environmental management system incentive program and to require the Department of Environmental Protection to submit a report to the Legislature by January 15, 2002 with an evaluation of the incentive program and any recommendations for changes to the program.

***Enacted law summary***

Public Law 1999, chapter 562 requires the Commissioner of Environmental Protection to develop and implement an environmental management system incentive program to encourage entities to develop and implement environmental management systems that, at a minimum, conform to international standards, comply with all applicable environmental laws, rules and regulations and prevent and reduce pollution. The incentives may include alternative schedules for routine compliance inspections, alternative record-keeping and reporting systems and public recognition by the commissioner.

The law establishes a repeal date of December 31, 2002 for the environmental management system incentive program and requires the Department of Environmental Protection to submit a report to the Legislature by January 15, 2002 with an evaluation of the incentive program and any recommendations for changes.

**LD 1562**

**Resolve, to Create the Commission to Study the Establishment of an Environmental Leadership Program**

**RESOLVE 134  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO MURPHY T	OTP-AM	S-516 S-804 AMERO

LD 1562 proposed to establish the Environmental Leadership Program as a voluntary program under which a person could receive incentives, including financial, procedural and recognition incentives, for improving environmental quality if a facility owned by the person meets certain criteria. The bill proposed to require the Board of Environmental Protection to adopt rules to implement the program by July 1, 2000.

The bill also proposed to establish the Environmental Leadership Fund, administered by the Commissioner of Environmental Protection, under which a person who owns a facility may receive a loan at below-market rates for pollution prevention, toxic use reduction, resource use reduction, resource recovery, energy efficiency or development of innovative environmental technologies.