

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

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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).

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.

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-519
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LD 1625 proposed to do the following:

1. Establishes a penalty for late payment of oil import fees;
2. Requires operators of underground motor fuel storage facilities to report inventory discrepancies exceeding 200 gallons. Under current law, discrepancies of 200 gallons or more do not need to be reported if they do not exceed 1% of the 30-day throughput for the facility;
3. Establishes a lien to facilitate recovery of costs incurred by the department in the abandonment of an underground oil storage facility;
4. Eliminates obsolete language from the provision requiring legislative review of all rules related to aboveground and underground oil storage facilities;
5. Requires underground piping at aboveground oil storage facilities to meet the same requirements that apply to underground piping at underground oil storage facilities;
6. Changes the definition of "lead inspection" to be consistent with other terminology used in the lead abatement laws;
7. Changes the definition of "waste oil" to include synthetic oil that has become contaminated or otherwise is unsuited for its original purpose. This change is needed to ensure proper handling of all contaminated oils, regardless of whether the oil is petroleum based or produced by synthesis;
8. Makes municipalities ineligible for reimbursement of landfill closure and remediation costs associated with a landfill licensed after the cost-share program was established, or for remediation costs related to threats posed by the landfill to structures built after December 31, 1999;
9. Provides for notice of the existence of a closed solid waste landfill in real estate transactions involving the landfill property; and
10. Corrects an error in the wording of the rule-making authority for hazardous matter.

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

Committee Amendment "A" (H-519) proposed to do the following.

1. It allows the Department of Environmental Protection to waive penalties for late payment of oil import fees for good cause shown;
2. It allows a municipality to receive a maximum 50% reimbursement of the remediation cost related to threats posed by municipal landfills for structures constructed after December 31, 1999, provided that the municipality has taken reasonable steps to abate the threats; and
3. It provides that sellers of property must give notice to buyers when selling land upon which a closed or abandoned municipal solid waste landfill is located.

Enacted law summary

Public Law 1999, chapter 334 does the following:

1. It establishes a penalty for the late payment of oil import fees. The Department of Environmental Protection may waive the penalties for late payment of oil import fees for good cause shown;
2. It requires operators of underground motor fuel storage facilities to report inventory discrepancies exceeding 200 gallons. Under current law, discrepancies of 200 gallons or more do not need to be reported if they do not exceed 1% of the 30-day throughput for the facility;
3. It establishes a lien to facilitate recovery of costs incurred by the department in the abandonment of an underground oil storage facility;
4. It eliminates obsolete language from the provision requiring legislative review of all rules related to aboveground and underground oil storage facilities;
5. It requires underground piping at aboveground oil storage facilities to meet the same requirements that apply to underground piping at underground oil storage facilities;
6. It changes the definition of "lead inspection" to be consistent with other terminology used in the lead abatement laws;
7. It changes the definition of "waste oil" to include synthetic oil that has become contaminated or otherwise is unsuited for its original purpose. This change is needed to ensure proper handling of all contaminated oils, regardless of whether the oil is petroleum based or produced by synthesis;
8. It provides that the municipality is entitled to receive a maximum 50% reimbursement of the remediation cost related to threats posed by municipal landfills for structures constructed after December 31, 1999, provided that the municipality has taken reasonable steps to abate the threats;
9. It provides that sellers of property must give notice to buyers when selling land upon which a closed or abandoned municipal solid waste landfill is located; and
10. It corrects an error in the wording of the rule-making authority for hazardous matter.

LD 1626

An Act to Assist in the Cleanup of the Town of Wells Maine Waste Oil Site

PUBLIC 505

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON	OTP-AM MAJ	H-730
KONTOS	OTP-AM MIN	H-738 DAIGLE

LD 1626 proposed to create a stream of revenue to retire the costs of investigation and remediation at 4 waste motor oil sites in Wells, Plymouth, Ellsworth and Casco. It proposed to retire the cost of any early pay-ins by various businesses at the Wells site. It proposed to authorize the Finance Authority of Maine is to issue revenue obligation securities in amounts sufficient to cover a large percentage of the clean-up costs. It proposed to retire these revenue obligation securities with funds derived from a premium on motor oil imposed at the wholesale level.

It proposed that the State and instrumentalities of the State, including the Department of Transportation, the Department of Public Safety and counties and municipalities, would be eligible to participate in the Waste Motor Oil