

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

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

JULY 1999

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

Rep. Joseph E. Clark

Rep. Robert W. Duplessie

Rep. Henry L. Joy

Rep. Robert A. Cameron

Rep. Robert A. Daigle

Rep. David L. Tobin

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.

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

Disposal Site Remediation Program. It proposed that the revenue obligation securities would also cover the shares of those businesses that maintained or repaired motor vehicles between 1953 and 1981, and that had waste motor oil deposited at one or more of the 4 sites. The United States Government and its instrumentalities would not be eligible to participate in the program.

It proposed to create the Waste Motor Oil Revenue Board to oversee the process and make determinations as to eligibility for participation in the program.

Committee Amendment "A" (H-730) proposed to replace the bill and create the Wells Waste Oil Cleanup Fund under the jurisdiction and control of the Finance Authority of Maine.

House Amendment "A" to Committee Amendment "A" (H-738) proposed to add a new Part that establishes the Select Commission to Study State Participation in Funding Cleanup and Remediation of Uncontrolled Hazardous Substance Sites.

Enacted law summary

Public Law 1999, chapter 505 creates the Wells Waste Oil Cleanup Fund under the jurisdiction and control of the Finance Authority of Maine. The fund provides low or zero interest loans and loan guarantees of up to \$50,000 to eligible Maine residents and businesses who have been identified as responsible parties at the Portland-Bangor Waste Oil Services Site in Wells and who have demonstrated financial need. The fund also provides for assistance to municipalities identified as responsible parties at the Wells site. In addition, the Finance Authority of Maine may issue deferred loans, which may be converted to a grant. The loan program is funded through a one-time \$4,000,000 transfer from the Underground Oil Storage Replacement Fund. Any remaining balance of the fund reverts to the Ground Water Oil Clean-up Fund after the Department of Environmental Protection determines that the Wells waste oil site has been finally cleaned up.

The law also provides for payments of up to \$2,000 for each Maine responsible party that makes a claim for this payment, with additional reimbursements to Maine responsible parties up to maximum of the person's share of the total response costs multiplied by the total orphan share percentage at the Wells site. This direct payment program is funded by a \$3,100,000 transfer from the Maine Rainy Day Fund.

The law requires the Fund Insurance Review Board and the Finance Authority of Maine to review and make necessary adjustments from the Underground Oil Storage Replacement Fund to the Ground Water Oil Clean-up Fund. The law requires the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources on the appropriate balance of the Ground Water Oil Clean-up Fund, and the status of the cleanup and remediation of the Portland-Bangor Waste Oil Services Site in Wells. Finally, the law establishes the Select Commission to Study State Participation in Funding Cleanup and Remediation of Uncontrolled Hazardous Substance Sites.

LD 1643

An Act to Remove Certain Wetland Sites Requirements for Proposed Developments within the Jurisdiction of the Maine Land Use Regulation Commission

ONTP

Sponsor(s)
GOODWIN

Committee Report
ONTP

Amendments Adopted

LD 1643 proposed to prohibit the Maine Land Use Regulation Commission from requiring that applicants for permits conduct a wetlands delineation on undisturbed land surrounding a proposed development unless a portion of the land to be disturbed by the development is a wetland. The bill also proposed to make unenforceable existing Maine Land Use Regulation Commission rules that conflict with the provisions of the bill.