

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

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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).

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
- 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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
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designation of the first 50 significant harbors or bays in the territorial waters of the State, as identified by the Commissioner of Environmental Protection, as no-discharge zones.

The amendment proposed to expand to noncommercial marinas the requirement in current law for a marina to provide a pump-out facility or, through a contractual agreement, a facility to remove sanitary waste from the holding tanks of watercraft. It proposed to require the Commissioner of Environmental Protection to award grants for the costs of pump-out facilities and contractual agreements using state and federal funds and to specify that marinas are not required to meet the requirement to provide a pump-out facility until a grant is issued to that marina.

Enacted law summary

Public Law 1999, chapter 655 requires the Department of Environmental Protection to review the availability of pump-out stations at marinas, to apply for federal grant money and to develop a plan for the construction, renovation and maintenance of pump-out facilities necessary to meet the needs of watercraft using the coastal waters of the State. The law also requires the department to educate vessel owners and operators about the problem of sanitary waste discharges from vessels and to inform them of the locations of pump-out facilities; to apply to the United States Environmental Protection Agency by January 15, 2005 for designation of the first 50 significant harbors or bays in the territorial waters of the State, as identified by the Commissioner of Environmental Protection, as no-discharge zones; and to submit several related reports to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

The law expands to noncommercial marinas the requirement in current law for a marina to provide a pump-out facility or, through a contractual agreement, a facility to remove sanitary waste from the holding tanks of watercraft. It requires the Commissioner of Environmental Protection to award grants for the costs of pump-out facilities and contractual agreements using state and federal funds. The commissioner shall pay 90% of the costs at municipal marinas and up to 75% of the costs at other marinas. The law specifies that marinas are not required to meet the requirement to provide a pump-out facility until a grant is issued to that marina.

LD 2377

An Act to Prevent Contamination from Home Heating Oil Tanks

PUBLIC 635

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J MARTIN	OTP-AM	S-566

LD 2377 proposed to extend the funding from the Ground Water Oil Clean-up Fund to pay for the replacement of certain substandard home heating oil tanks.

Committee Amendment "A" (S-566) proposed to replace the bill. This amendment proposed:

1. To extend the oil storage tank repair and replacement program funded from the Ground Water Oil Clean-up Fund;
2. To increase funding to \$500,000 annually to retrofit, repair or replace tanks in order to abate an imminent threat to a groundwater restoration project, a public water supply or a sensitive geologic area, including coastal islands and peninsulas and to provide that:

- A. No money may be spent after fiscal year 1999-2000 until a written policy is adopted establishing criteria for disbursements of funds, guidelines that ensure the money will be used in the most cost-effective manner and guidelines for reimbursing cooperating municipalities for administrative costs; and
 - B. No money may be spent after February 2, 2003 until a written policy is adopted that establishes a means test for eligibility for disbursements and a deductible and that limits eligibility to Maine residents;
3. To increase funding to \$2,000,000 annually for grants to retrofit, repair or replace aboveground and underground oil storage tanks and associated piping at single-family residences provided that no money is disbursed after June 30, 2000 until a written policy is adopted establishing guidelines for payments to community action agencies for their administrative costs in administering the funds; and
 4. To require the Department of Environmental Protection to report by January 1, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on various aspects of the programs.

Enacted law summary

Public Law 1999, chapter 635 extends and increases funding for the oil storage tank repair and replacement program funded from the Ground Water Oil Clean-up Fund. It also requires the Department of Environmental Protection to report by January 1, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on various aspects of the programs.

LD 2437

An Act Regarding Oil Storage Facilities and Groundwater Protection

PUBLIC 714

Sponsor(s)
DAIGLE

Committee Report
OTP-AM

Amendments Adopted
H-1049 MARTIN
H-877

LD 2437 proposed to make several changes to the Ground Water Oil Clean-up Fund, including changing the standard deductible for certain coverage, reducing the cap on the fund, reducing the assessment of certain fees and changing the amount of the fund that may be disbursed for certain costs. The bill also proposed to allow for the cleanup and recording of minor leaks or spills of oil from underground oil storage facilities and tanks without reporting the leak or spill to the Department of Environmental Protection under certain conditions and to enact a statute of limitations of 3 years on actions against certified underground oil storage tank installers.

Committee Amendment "A" (H-877) proposed to change the statute of limitations provision in the bill to specify that the statute of limitations for the Board of Underground Oil Storage Tank Installers to bring an action against a certified underground oil storage tank installer relating to a tank or equipment installed on or after September 16, 1991 is within 3 years of discovery of a violation but no more than 15 years from the date of installation.