

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
Offices Located in the State House, Rooms 101 & 107

- 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

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

The amendment proposed to strike all the provisions in the bill related to the Ground Water Oil Clean-up Fund and instead to require the Department of Environmental Protection to conduct and report on 3 studies, including a review of the current framework for regulating aboveground oil storage tanks, a review of the insurance coverage available for cleanup of prohibited discharges of oil and a review of the Ground Water Oil Clean-up Fund. The amendment proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation relating to these studies.

House Amendment "A" to Committee Amendment "A" (H-1049) proposed to remove the authority of the joint standing committee of the Legislature having jurisdiction over natural resource matters to report out legislation regarding the reports received from the Department of Environmental Protection.

Enacted law summary

Public Law 1999, chapter 714 enacts a 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. Such an action must be brought within 3 years of discovery of a violation but no more than 15 years from the date of installation.

The law requires the Department of Environmental Protection to convene a task force to review the current framework for regulating aboveground oil storage tanks and submit a report on field-constructed bulk storage tanks by March 1, 2001 and a report on aboveground oil storage tanks by January 2, 2002; it requires the department to review the insurance coverage available for cleanup of prohibited discharges of oil and submit a report by May 15, 2001 with its findings and any recommendations; and it requires the department to review, in consultation with the Fund Insurance Review Board, the Ground Water Oil Clean-up Fund and submit a report by December 15, 2000 with its findings and recommendations.

LD 2442

An Act Regarding the Solid Waste Hauling and Disposal Industry

PUBLIC 773

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM MAJ ONTP MIN	H-1086 H-1177 TOWNSEND

LD 2442 proposed to require advance notification to the Department of the Attorney General when controlling stock or substantial assets of a business engaged in solid waste hauling, incineration or residue disposal are acquired.

Committee Amendment "A" (H-1086), the majority report of the committee, proposed to change the title of the bill and to limit the application of the notice requirement to those persons acquiring controlling stock or substantial assets used in solid waste or residue hauling from a business that is primarily engaged in solid waste or residue hauling and that employs more than 5 individuals. The amendment also proposed to establish a repeal date of 90 days after adjournment of the First Regular Session of the 120th Legislature for the notice requirement.

The amendment proposed to establish the Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry, composed of 5 members of the Joint Standing Committee on Natural Resources, to conduct a study of market power issues in all aspects of the public and private solid waste hauling and disposal industry. The amendment proposed to require the task force to submit an interim