

# 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](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:

<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

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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existence prior to January 1, 1986, the hatchery is licensed by the Department of Inland Fisheries and Wildlife and an application for a waste discharge license is accepted as complete for processing within 90 days of notification that a license is required. The amendment proposed to require the Department of Environmental Protection to notify a fish hatchery with an unlicensed discharge within 90 days of the effective date of the amendment or within 90 days of finding the unlicensed discharge that a waste discharge license is required.

***Enacted law summary***

Public Law 1999, chapter 720 authorizes discharges from fish hatcheries into Class A waters, Class GPA waters and waters having a drainage area of less than 10 square miles to continue until practical alternatives exist, as are discharges licensed prior to January 1, 1986, if the discharge was in existence prior to January 1, 1986, the hatchery is licensed by the Department of Inland Fisheries and Wildlife and an application for a waste discharge license is accepted as complete for processing within 90 days of notification that a license is required. The law requires the Department of Environmental Protection to notify a fish hatchery with an unlicensed discharge within 90 days of the effective date of this Act or within 90 days of finding the unlicensed discharge that a waste discharge license is required.

**LD 2526                      An Act to Establish Minimum Environmental Compliance Standards for Subsidized Employers                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT	ONTP      MAJ	
KONTOS	OTP-AM    MIN	

LD 2526 proposed to require an employer receiving economic development incentives to demonstrate that it was in full compliance with federal, state and local environmental laws in order to continue receiving public assistance.

**Committee Amendment “A” (H-1066)** proposed to prohibit a person convicted of a criminal violation of environmental laws from receiving, for one year, tax reimbursement for qualified business property under the Business and Equipment Reimbursement Program.

**LD 2547                      An Act to Implement the Recommendations of the Task Force to Study the Operation of and Support for the Board of Environmental Protection                      PUBLIC 784**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	H-1027
	ONTP      MIN	S-762    MICHAUD

LD 2547 proposed to implement the recommendations of the Task Force to Study the Operation of and Support for the Board of Environmental Protection. The bill proposed to allocate funds for an Executive Director of the Board of Environmental Protection position and to specify that the executive director directs the daily administrative and operational functions of the board and may be removed by majority vote of the

board. The bill proposed to provide for the transfer of funding for the Deputy Commissioner of the Department of Environmental Protection position from the Board of Environmental Protection Fund to the General Fund.

The bill proposed to amend the conflict of interest provision as it applies to the board to require the board to provide a nonbinding advisory opinion as to whether a member has a conflict of interest that may require abstention from a proceeding, unless the member in question objects to the vote.

The bill proposed to amend the rule-making procedures as they apply to the board to require the board to accept and consider additional public comment on a proposed rule following the close of the formal rule-making comment period provided that the additional public comment is directly related to comments received during the formal rule-making comment period or is in response to changes to the proposed rule.

**Committee Amendment "A" (H-1027)**, the majority report of the committee, proposed to change the title of the professional staff position for the Board of Environmental Protection to "executive analyst," to set the salary level at a lower range, to specify that the position is unclassified and to specify that the executive analyst of the board is prohibited from participating in any activity that substantially compromises the executive analyst's ability to discharge effectively and impartially the duties of the position. The amendment proposed to specify that the executive analyst may be hired no earlier than October 1, 2000. The amendment also proposed to specify that the Commissioner of Environmental Protection shall make recommendations to the board regarding matters considered by the board and shall provide the board with the technical services of the department.

The amendment proposed to clarify that public notice of a meeting that is not a public hearing but at which the Board of Environmental Protection will accept additional public comment on a proposed rule must comply with the general public notice requirements for public proceedings.

**Senate Amendment "A" to Committee Amendment "A" (S-762)** proposed to remove the provisions in the bill regarding the transfer of funding for the Deputy Commissioner of the Department of Environmental Protection. See LD 2510 (P.L. chapter 731, Part HHH).

#### ***Enacted law summary***

Public Law 1999, chapter 784 establishes and funds the position of Executive Analyst of the Board of Environmental Protection. The law requires the Chair of the Board to hire an executive analyst no earlier than October 1, 2000. The law specifies that the Commissioner of Environmental Protection shall make recommendations to the board regarding matters considered by the board and shall provide the board with the technical services of the department.

The law amends the conflict of interest provision as it applies to the Board of Environmental Protection to require the board to provide a nonbinding advisory opinion as to whether a member has a conflict of interest that may require abstention from a proceeding, unless the member in question objects to the vote.

The law amends the rule-making procedures as they apply to the board to require the board to accept and consider additional public comment on a proposed rule following the close of the formal rule-making comment period provided that the additional public comment is directly related to comments received during the formal rule-making comment period or is in response to changes to the proposed rule.