

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

*Bill Summaries
Joint Standing Committee
on
Natural Resources*

August 2001

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Maine State Legislature
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120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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*
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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
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Joint Standing Committee on Natural Resources

LD 165

An Act to Repeal the Element of Maine's Growth Management Laws that Voids Municipal Land Use Ordinances

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOBIN D MARTIN	ONTP	

LD 165 proposed to repeal the provision of law that voided certain municipal land use ordinances on January 1, 2003 if the ordinance was not consistent with a comprehensive plan. It required zoning ordinances to be consistent with a comprehensive plan adopted pursuant to the growth management laws.

LD 179

An Act to Protect Sensitive Geologic Areas from Oil Contamination

PUBLIC 302

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DOUGLASS	OTP-AM	H-224 H-448 COWGER

LD 179 proposed to minimize contamination of sensitive geologic areas by authorizing the Board of Environmental Protection to adopt rules governing the siting of underground oil storage tanks.

Committee Amendment "A" (H-224) proposed to replace the bill. The amendment proposed to prohibit the installation of new underground oil storage facilities within the source water protection area of a public drinking water supply or within 1000 feet of the public water supply, whichever is greater, and within 300 feet of a private water supply, except for a private water supply located on the same property as a facility and serving only that facility. The Commissioner of Environmental Protection is authorized to enjoin the operation of any facility installed in violation of those prohibitions. Clean-up costs and 3rd party damages caused by discharges from a facility installed in violation of those prohibitions are not eligible for reimbursement from the Ground Water Oil Clean-up Fund.

The amendment allows the Commissioner of Environmental Protection to grant a variance from those prohibitions. For community public water systems and groundwater resources serving schools and private wells, a variance is available only when no hydrogeological connection between the proposed facility and the potentially affected water supply can be demonstrated. For other types of public drinking water supply systems, a variance may be issued if the commissioner determines that the engineering and monitoring measures proposed by the applicant go beyond current minimum regulatory requirements and will effectively minimize releases of oil and the likelihood of groundwater contamination. An opportunity for public comment is required on each request for a variance. The Commissioner of Environmental Protection is required to submit a report to the Joint Standing Committee on Natural Resources on the department's experience in administering the statutory variance criteria and any recommendations on amending those criteria.

The amendment also requires the Board of Environmental Protection to adopt major substantive rules setting forth standards for siting new underground storage facilities used to store motor fuels or used in the marketing or distribution of oil within sand and gravel aquifers and their recharge areas that are mapped by the Maine Geological

Joint Standing Committee on Natural Resources

Survey. Those rules must be provisionally adopted and submitted to the Legislature for its consideration prior to March 3, 2002.

House Amendment "A" to Committee Amendment "A" (H-448) corrects a typographical error in Committee Amendment "A."

Enacted law summary

Public Law 2001, chapter 302 prohibits the installation of new underground oil storage facilities within the source water protection area of a public drinking water supply or within 1000 feet of the public water supply, whichever is greater, and within 300 feet of a private water supply, except for a private water supply located on the same property as a facility and serving only that facility. The Commissioner of Environmental Protection is authorized to enjoin the operation of any facility installed in violation of those prohibitions. Clean-up costs and 3rd party damages caused by discharges from a facility installed in violation of those prohibitions are not eligible for reimbursement from the Ground Water Oil Clean-up Fund.

This law allows the Commissioner of Environmental Protection to grant a variance from those prohibitions. For community public water systems and groundwater resources serving schools and private wells, a variance is available only when no hydrogeological connection between the proposed facility and the potentially affected water supply can be demonstrated. For other types of public drinking water supply systems, a variance may be issued if the commissioner determines that the engineering and monitoring measures proposed by the applicant go beyond current minimum regulatory requirements and will effectively minimize releases of oil and the likelihood of groundwater contamination. An opportunity for public comment is required on each request for a variance. The Commissioner of Environmental Protection is required to submit a report to the Joint Standing Committee on Natural Resources on the department's experience in administering the statutory variance criteria and any recommendations on amending those criteria.

The law also requires the Board of Environmental Protection to adopt major substantive rules setting forth standards for siting new underground storage facilities used to store motor fuels or used in the marketing or distribution of oil within sand and gravel aquifers and their recharge areas that are mapped by the Maine Geological Survey. Those rules must be provisionally adopted and submitted to the Legislature for its consideration prior to March 3, 2002.

LD 197

Resolve, to Implement the Saco Bay Regional Beach Management Plan

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> KANE PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-24
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LD 197 proposed that the Department of Conservation obtain a detailed engineering analysis of certain recommendations to modify a coastal engineering structure located on the mouth of the Saco River in Camp Ellis, Saco, Maine.

Committee Amendment "A" (H-24) replaced the bill and proposed to direct the Department of Conservation to work with the United States Army Corps of Engineers to modify the federal coastal engineering structure at Camp