

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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120th Legislature
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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

removes an exemption from coverage under the Ground Water Oil Clean-up Fund for applicants having certain relationships with entities that own or operate an oil refinery as long as the discharge is discovered after September 30, 2001. The law also increases the limit on the surcharge that may be assessed on gasoline and other petroleum products from 10¢ to 20¢ per barrel for gasoline and from 5¢ to 10¢ per barrel for other petroleum products.

LD 886

An Act to Establish a Clean Government Initiative

PUBLIC 333

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER	OTP-AM	S-194

LD 886 proposed to create a Clean Government Initiative to assist state agencies in meeting environmental compliance requirements and to assist those agencies in incorporating environmentally sustainable practices into all state government functions.

Committee Amendment "A" (S-194) proposed several technical changes to the bill.

Enacted law summary

Public Law 2001, chapter 333 creates the Clean Government Initiative to assist state agencies in meeting environmental compliance requirements and to assist those agencies in incorporating environmentally sustainable practices into all state government functions. The Clean Government Initiative is jointly directed by the Commissioner of Environmental Protection and the Commissioner of Administrative and Financial Services. The Clean Government Initiative seeks to achieve continuous improvement in environmental performance of all state agencies through such measures as pollution prevention, improvements in energy efficiency, procurement of environmentally friendly commodities and services, recycling of waste products and enhanced fleet efficiency through the purchase of fuel-efficient vehicles and proper fleet maintenance.

The law requires the Commissioner of Environmental Protection and the Commissioner of Administrative and Financial Services to establish a coordinated State Government environmental compliance policy that includes the incorporation of environmentally sustainable practices into state government, to establish goals for the economic and environmental performance of state agencies, to advise and assist state agencies in the development of environmental compliance audits and plans and in implementing those plans, to advise the Governor and the Legislature on the formulation of policies for the effective operation, management and achievement of the goals of the Clean Government Initiative and to ensure that the master plan of the Capitol Planning Commission is implemented in a manner consistent with those goals.

The law requires each state agency to determine its compliance with applicable state and federal environmental laws and to develop a biennial plan outlining the actions the agency will take to incorporate environmentally sustainable practices into its planning and operations.

The law also requires the Commissioner of Environmental Protection and the Commissioner of Administrative and Financial Services to jointly report on the activities of all state agencies under the initiative to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over state government matters every 2 years, beginning on January 1, 2003. The law also clarifies that environmentally friendly procurement by state agencies under the Clean Government

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Initiative includes alternatives to products that may release dioxin or mercury to the environment. The amount and rate of environmentally friendly purchasing remains at the discretion of the state agencies. Only cost-effective alternatives that have comparable technical performance and availability would be considered.

LD 907 **An Act to Address Sludge-spreading Licenses** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	ONTP	

LD 907, a concept draft pursuant to Joint Rule 208, proposed to establish a renewal process for sludge-spreading licenses.

LD 919 **An Act to Provide for Variance Notification in the Shoreland Zoning Law** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-33 S-327 GOLDTHWAIT

LD 919 proposed that a request for a variance from a shoreland zoning ordinance must be forwarded to the Commissioner of Environmental Protection at least 20 days prior to action by the municipality and to provide for comment by the commissioner if the commissioner determines that the variance is in noncompliance with the requirements of state law for a zoning variance or undermines the purposes stated in the Maine Revised Statutes, Title 38, section 435.

Committee Amendment "A" (H-33) proposed to add a fiscal note to the bill.

Senate Amendment "A" (S-327) proposed to add a mandate preamble to the bill.

LD 1031 **An Act to Fund the Cleanup of Illegal Dumping Sites** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP LEMONT	ONTP	

LD 1031 proposed to create a fund in the Department of Environmental Protection to clean up unlicensed solid waste disposal sites considered "orphaned" by the Commissioner of Environmental Protection either because the party or parties responsible for the site did not have sufficient financial resources to properly abate, mitigate or clean up the site or because the responsible party or parties could not be determined. The Orphaned Solid Waste Disposal Site Clean-up Fund would have been funded by an increase of \$3 per ton in the municipal solid waste disposal surcharge fee.