

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Natural Resources*

May 2002

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Maine State Legislature
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120th Legislature
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

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 arranged alphabetically by committee name 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:

<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 & 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&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</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 July 25, 2002.

Patrick T. Norton, Interim Director
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an application that sought authority for a facility to accept municipal solid waste if the facility was not currently allowed to accept municipal solid waste would obtain a determination of public benefit. The amendment also proposed that the department should employ a rebuttable presumption of public benefit for certain solid waste facilities.

This amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 2014 **An Act to Stabilize Funding for the Air Quality Program within the Department of Environmental Protection** **ONTP**

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

LD 2014 proposed to increase revenue to the air quality program within the Department of Environmental Protection to compensate for lost fees associated with emission reductions and facility closures and to offset increases in the costs incurred to administer the air quality program. Funds would be used to maintain existing levels of operation and service within the air quality program including ongoing maintenance of the ambient air quality monitoring network.

It also proposed to provide funds for an Environmental Specialist III limited-period position for the development of a greenhouse gas registry.

LD 2016 **An Act to Facilitate Compliance with Spill Prevention Requirements and Authorize Reimbursement for Certain Oil Spill Remediation Expenses** **PUBLIC 605**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRABTREE YOUNGBLOOD	OTP-AM MAJ ONTP MIN	H-945

LD 2016 proposed to eliminate avoidable and inappropriate disbursements from the state Ground Water Oil Clean-up Fund by:

1. Improving compliance with state and federal regulatory requirements that reduce the risk of spills from aboveground oil storage tanks; and
2. Authorizing reimbursement to the Ground Water Oil Clean-up Fund of spill clean-up costs that are covered by private insurance required under the federal Motor Carrier Act.

Under this bill, owners of aboveground oil storage facilities are required to certify, on the annual chemical inventory reporting form submitted to the Maine Emergency Response Commission, that underground piping at the facility meets existing state regulatory requirements and that the facility meets existing federal regulatory requirements for preparation and maintenance of a spill prevention control and countermeasure plan. The latter requirements are incorporated into state law so that they can be enforced by the Department of Environmental Protection. It also

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requires the Department of Environmental Protection to consult with the United States Environmental Protection Agency when requiring the owner or operator of an aboveground oil storage facility to amend its spill prevention control and countermeasure plan if the owner or operator believes that the amendment is not required by federal law.

Committee Amendment "A" (H-945) proposed to eliminate provisions in the bill pertaining to changes to the chemical inventory reporting form submitted annually to the Maine Emergency Response Commission and amends the bill to limit the Department of Environmental Protection's authority to enforce federal oil spill prevention, or "SPCC," requirements to gas stations and bulk plants operated by oil distributors. The amendment sunsets the provisions relating to the Department of Environmental Protection's ability to enforce federal SPCC requirements on October 1, 2005.

The amendment also proposed to remove provisions in the bill proposing changes to the Ground Water Oil Clean-up Fund and increases the personal services cap on that fund from \$2,250,000 per year to \$2,900,000.

The amendment also proposed to require the Commissioner of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 on the Department of Environmental Protection's enforcement of federal SPCC requirements required in the Maine Revised Statutes, Title 38, section 570-K, subsection 5. That report is to include the number of facilities inspected under that subsection; the number of spill prevention and control and countermeasure plans reviewed by the department under that subsection; the number, nature and result of any written communications submitted to the United States Environmental Protection Agency pursuant to that subsection; the number and result of all enforcement actions taken by the department for violations of that subsection; and an overview of the educational and technical assistance efforts undertaken by the department under that subsection. That report must also include a qualitative assessment of the department's effectiveness in implementing that subsection, including an assessment by the regulated community on the department's performance under that subsection.

The amendment also proposed to allow the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 122nd Legislature on any matter pertaining to the State's enforcement of federal SPCC requirements.

The amendment also proposed to add an appropriations and allocations section to the bill.

Enacted law summary

Public Law 2001, chapter 605, grants the Department of Environmental Protection the authority to enforce federal oil spill prevention, or "SPCC," requirements for gas stations and bulk plants operated by oil distributors. The law sunsets the provisions relating to the Department of Environmental Protection's ability to enforce federal SPCC requirements on October 1, 2005 and increases the personal services cap on that fund from \$2,250,000 per year to \$2,900,000.

The law also requires the Commissioner of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 on the Department of Environmental Protection's enforcement of federal SPCC requirements required in the Maine Revised Statutes, Title 38, section 570-K, subsection 5. That report is to include the number of facilities inspected under that subsection; the number of spill prevention and control and countermeasure plans reviewed by the department under that subsection; the number, nature and result of any written communications submitted to the United States Environmental Protection Agency pursuant to that subsection; the number and result of all enforcement actions

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taken by the department for violations of that subsection; and an overview of the educational and technical assistance efforts undertaken by the department under that subsection. That report must also include a qualitative assessment of the department's effectiveness in implementing that subsection, including an assessment by the regulated community on the department's performance under that subsection.

The law also allows the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 122nd Legislature on any matter pertaining to the State's enforcement of federal SPCC requirements.

LD 2037

An Act to Repeal the Retroactive Effect of Changes Made to the Subdivision Laws

**PUBLIC 523
EMERGENCY**

Sponsor(s)
SNOWE-MELLO
SAWYER

Committee Report
OTP-AM

Amendments Adopted
H-835

LD 2037 proposed to repeal the retroactivity clause that was contained in Public Law 2001, chapter 359 and to make that change effective on the general effective date for nonemergency legislation enacted during the First Regular Session of the 120th Legislature, September 21, 2001. During the First Regular Session of the 120th Legislature, "An Act to Implement the Recommendations of the Task Force to Study Growth Management" was enacted and signed into law as Public Law 2001, chapter 359. The law contained a retroactive application clause, which made the law effective June 1, 2001.

Committee Amendment "A" (H-835) proposed to make only section 4 of Public Law 2001, chapter 359 retroactive to June 1, 2001. All other sections of Public Law 2001, chapter 359 were effective on September 21, 2001, the general effective date for nonemergency legislation.

Enacted law summary

Public Law 2001, chapter 523 provides that only section 4 of Public Law 2001, chapter 359 was retroactive to June 1, 2001. All other sections of Public Law 2001, chapter 359 were effective on September 21, 2001, the general effective date for nonemergency legislation. During the First Regular Session of the 120th Legislature, "An Act to Implement the Recommendations of the Task Force to Study Growth Management" was enacted and signed into law as Public Law 2001, chapter 359. Public Law 2001, chapter 359, section 8 contained a retroactive application clause that made the entire law effective June 1, 2001.

Public Law 2001, chapter 523 was enacted as an emergency measure effective March 12, 2002.

LD 2049

An Act to Authorize the Transfer of Development Rights

PUBLIC 592

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-912

LD 2049 was a recommendation of the Joint Study Committee to Study Growth Management. It proposed to authorize municipalities to establish policies and ordinances relating to the transfer of development rights.