

MAINE STATE LEGISLATURE

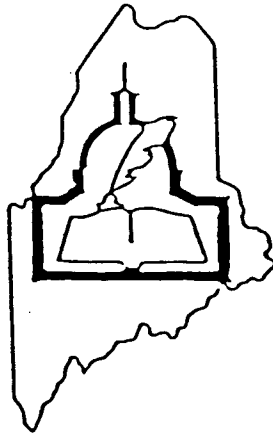
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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON
ENERGY AND NATURAL RESOURCES
BILL SUMMARY



MAY 1986

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ONE HUNDRED AND TWELFTH LEGISLATURE
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JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

The Committee majority supported the bill in new draft. The new draft retained provisions similar to those in the original bill and added a provision re delegating the authority to issue water quality certification under Section 401 of the U.S. Clean Water Act from the Board of Environmental Protection and the Land Use Regulation Commission to the Commissioner of DEP and the Executive Director of LURC depending on the location of the proposed project. The new draft further required that the certification be issued within 5 days of "the applicant's request". Failure to act within 5 days would result in waiver of the state's right to approve or deny certification. The effects of the new draft was made retroactive to cover inconsistent agency decisions. The new draft also proposed to have all rules related to the licensing of hydropower projects reviewed by the Energy and Natural Resources Committee.

The Committee minority supported the original bill as amended by CAH-541. This amendment revised the provisions for automatic reclassification of river stretches to be dammed for hydropower to the GP-A class. The amended provision would have allowed the BEP to certify hydropower impoundments with technical dissolved oxygen violations if the impoundment stratified thermally and if the impoundment met all the other water quality requirements of its existing reclassification. This would have avoided complete reclassification of the proposed site.

The House and Senate initially accepted the majority report (LD 2107). However, the Senate considered an amendment (SB-398) which revised the certification procedure of the new draft to require explicit consideration of water quality classification issues in the hydro licensing process and to allow denial of certification if water quality standards are not met. After narrowly rejecting this amendment, the Senate recommitted the bill to Committee. The House attached an amendment (HC-738) incorporating most provisions of SB-398 and also providing clearer direction to the commissioner or director on recertification procedures. This version was enacted. Other amendments (SA-393; SC-408; SD-442; SA/HC-S-542; HA-575; HB-722) were never considered by either body.

LD
2145

RESOLVE, AUTHORIZING THE EXCHANGE AND SALE
OF CERTAIN PUBLIC RESERVED LANDS

RESOLVE 1985
c. 77

Sponsor: MARTIN, J., Pray, Mitchell, Dexter
Committee Report: OTP-AM

H-615 CA H S

SUMMARY: This resolve authorizes a series of land trades and sales, the most prominent of which is an agreement with the Huber Corp. to substantially complete the acquisition of the Bigelow Preserve. The resolve also authorizes the Bureau of Public Lands to sell unconsolidated portions of the public lands system at fair market value to the Nature Conservancy who in turn will swap them with the Pingree Heirs to acquire the Big Reed Pond parcel, a unique stand of old-growth white pine in northern Maine. The state received a right of first refusal to the Big Reed parcel in the event that the Nature Conservancy sought to sell the parcel. The final portion of the resolve authorizes the sale of a small portion of blueberry barren which has little multiple use value to the public lands system. The Committee majority approved the bill with an amendment (CAH-615) making several technical corrections and revisions in the bill. The amendment also makes the agreement with the Nature Conservancy contingent upon receipt by the state of a right of first refusal on the Big Reed Pond parcel. A Committee minority voted "ought not to pass" on the grounds that certain aspects of the land trades involving access and right-of-ways were not in the best interests of the state.

LD AN ACT TO AMEND THE STATE SUBSURFACE WASTE
2153 WATER DISPOSAL LAWS

PL 1985
C. 612

Sponsor: KANY, Brown, L., Trafton
Committee Report: New Draft of LD 1775.

S-401 BROWN, L. H S

SUMMARY: The original bill was the result of a review of laws affecting subsurface waste water disposal. The bill proposes several technical and clarifying changes in existing plumbing and environmental laws. The bill also: (1) provides that DHS is to adopt minimum plumbing rules which municipalities are to enforce and may exceed; (2) regulates the expansion of a subsurface waste water disposal system and the conversion from a seasonal to year-round system and prohibits abutting landowners from installing a new well which would prevent the installation of a replacement septic system; (3) limits to twice a year the dumping of septage on a piece of property which is pumped from a system for a residence on that property; and (4) provides that DHS may act as a plumbing inspector in unorganized areas.