

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
115TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
ENERGY AND NATURAL RESOURCES**

**AUGUST 1991**

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION  
JOINT STANDING COMMITTEE  
BILL SUMMARIES  
AUGUST 1991**

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. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<b>PUBLIC XXX</b>	<i>Chapter # of enacted Public Law</i>
<b>P&amp;S XXX</b>	<i>Chapter # of enacted Private &amp; Special Law</i>
<b>RESOLVE XXX</b>	<i>Chapter # of enacted Resolve</i>
<b>CON RES XXX</b>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<b>EMERGENCY</b>	<i>Enacted law takes effect sooner than 90 days</i>
<b>CARRIED OVER</b>	<i>Bill carried over to 2nd Session</i>
<b>FAILED EMERGENCY ENACTMENT</b>	<i>Bill failed to get 2/3 vote</i>
<b>ONTP</b>	<i>Ought Not to Pass report accepted</i>
<b>LVWD</b>	<i>Leave to Withdraw report accepted</i>
<b>INDEF PP</b>	<i>Bill Indefinitely Postponed</i>
<b>DIED BETWEEN BODIES</b>	<i>House &amp; Senate disagree; bill died</i>
<b>VETO SUSTAINED</b>	<i>Legislature failed to override Governor's Veto</i>
<b>UNSIGNED</b>	<i>Not signed by Governor within 10 days</i>
<b>DIED ON ADJOURNMENT</b>	<i>Action incomplete when 1st session ended</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

**LD 1500 An Act to Amend Certain Laws Governing Hazardous Waste, Septage and Solid Waste Management to Include a Land Acquisition and Eminent Domain Provision for the Remediation of Hazardous Substances and to Provide for the Reimbursement of Expenditures Made for the Acquisition of Property**

**PUBLIC 312**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LORD COLES TITCOMB LUDWIG	OTP-AM	H-327

**SUMMARY**

This bill allows the Department of Environmental Protection to acquire property needed to abate, clean up, mitigate or conduct remedial actions, including the replacement of water supplies as a result of threats or hazards posed or potentially posed by hazardous substance contamination. This bill also clarifies that expenditures made for such activities are subject to reimbursement actions and that such actions may be taken by the Attorney General, a collection agency or agent or an attorney retained by the department.

The committee amendment (H-327) adds a requirement for the Commissioner of Environmental Protection to report to the Legislature whenever eminent domain proceedings are used pursuant to the Maine Revised Statutes, Title 38, section 1364, subsection 7. The amendment also specifies that the Department of Environmental Protection is responsible to a water utility only for providing the capital improvements for supplying water for existing uses on a contaminated site. This amendment also makes the terms that describe a discharge of hazardous substances more consistent with terms used in current law. A fiscal note is also added.

**LD 1502 An Act to Provide for the Acquisition of Property for the Establishment, Preservation or Enhancement of Open Space and Recreation Corridors in the State**

**PUBLIC 354**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
ANDERSON THERIAULT FARREN LARRIVEE	OTP-AM	H-417

**SUMMARY**

The acquisition of railroad rights-of-way for recreational trail use is complicated by complex title questions affecting land originally acquired for use as railroad rights-of-way. This bill ensures that all ownership and potential ownership interests in railroad land acquired by the Bureau of Parks and Recreation are accounted for so that the State can acquire clear title without risking multiple financial liability. The eminent domain provisions of the bill are patterned after those found in the State Railroad Preservation and Assistance Act, Maine Revised Statutes, Title 23, chapter 615.

The committee amendment (H-417) corrects technical errors, adds a fiscal note and clarifies that active rail lines may not be acquired by the Bureau of Parks and Recreation.