

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:

| | |
|-----------------------------------|---|
| PUBLIC XXX | <i>Chapter # of enacted Public Law</i> |
| P&S XXX | <i>Chapter # of enacted Private & Special Law</i> |
| RESOLVE XXX | <i>Chapter # of enacted Resolve</i> |
| CON RES XXX | <i>Chapter # of Constitutional Resolution passed by both Houses</i> |
| EMERGENCY | <i>Enacted law takes effect sooner than 90 days</i> |
| CARRIED OVER | <i>Bill carried over to 2nd Session</i> |
| FAILED EMERGENCY ENACTMENT | <i>Bill failed to get 2/3 vote</i> |
| ONTP | <i>Ought Not to Pass report accepted</i> |
| LVWD | <i>Leave to Withdraw report accepted</i> |
| INDEF PP | <i>Bill Indefinitely Postponed</i> |
| DIED BETWEEN BODIES | <i>House & Senate disagree; bill died</i> |
| VETO SUSTAINED | <i>Legislature failed to override Governor's Veto</i> |
| UNSIGNED | <i>Not signed by Governor within 10 days</i> |
| DIED ON ADJOURNMENT | <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 1832 An Act Allowing Zoning Boards of Appeal to Grant Dimensional Variances Based On Practical Difficulty

CARRIED OVER

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|--|-------------------------|---------------------------|
| LORD ANDERSON JACQUES TITCOMB | | |

SUMMARY

Current law strictly limits the authority of a municipal zoning board of appeals to grant variances. A zoning board may grant a variance only if strict application of an ordinance causes undue hardship to the property owner. To prove undue hardship, a property owner must show that the ordinance prevents the property owner from realizing any reasonable return on the property.

This bill would allow municipal zoning boards of appeals to grant dimensional variances if the petitioner can demonstrate "practical difficulty." To meet the practical difficulty standard in the bill, the property owner must show that strict application of an ordinance prevents the owner from using the property for a purpose otherwise allowed. The property owner must also show that granting the variance does not reduce the value or impair the use of abutting property in the zone and does not conflict with the general purpose of the ordinance, that the public safety and welfare is protected and that the variance does not conflict with the municipality's comprehensive plan.

LD 1846 An Act to Amend the Maine Environmental Protection Fund Fee Schedule

LV/WD

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| MARSH ADAMS | LV/WD | |

SUMMARY

This bill would have amended the Maine Environmental Protection Fund, or "MEPF," in order to provide the revenues needed to support water quality activities and programs administered by the Department of Environmental Protection. Waste discharge license fees would have been used to staff and operate the Department of Environmental Protection's water quality licensing program. Under this bill, effective July 1, 1991, the minimum annual waste water discharge fee would have been \$350.

LD 1873 An Act to Correct Errors and Clarify Provisions in the Solid Waste Laws

**PUBLIC 517
EMERGENCY**

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|--------------------------|-------------------------|---------------------------|
| LORD SPEAR JACQUES | OTP-AM | H-667 H-677 JACQUES |

SUMMARY

The original bill would have amended the solid waste laws enacted in 1989. The solid waste reduction investment tax credit would have been amended to clarify the eligibility of equipment and to establish a recapture provision for equipment that is held for less than 4 years. These changes would have been retroactive to January 1, 1990. The provisions were eliminated from the legislation by a floor amendment (H-677).