

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
ENERGY AND NATURAL RESOURCES

JULY 1993

**Staff:**

*Tim Glidden, Principal Analyst  
Patrick Norton, Legislative Analyst  
Deborah Friedman, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207)287-1670*

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JOHN G. KELLEY, RESEARCHER  
DARLENE A. SHORES LYNCH, RESEARCHER  
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 287-1670  
FAX (207) 287-1275

**ONE HUNDRED AND SIXTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**JULY 1993**

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</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.

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

4693NRG

**LD 547 An Act to Correct Inconsistencies in the Shoreland Zoning Laws**

PUBLIC 55

**SPONSOR(S)**  
DEXTER

**COMMITTEE REPORT**  
OTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill removes an inconsistency in the shoreland zoning laws that implies that the shoreland zone includes areas surrounding forested wetlands. Public Law 1989, chapter 346 withdrew forested wetlands from the class of freshwater wetlands that municipalities are required to regulate.

**LD 550 An Act Concerning Local Participation in Decisions Concerning Low-level Radioactive Waste Sites Proposed to Be Located in Unorganized Territory**

ONTP

**SPONSOR(S)**  
CLARK  
PEARSON

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have prohibited the Maine Low-level Radioactive Waste Authority from locating a disposal or storage facility entirely within an unorganized territory that has no registered voters unless the site is approved by a majority vote of the county commissioners representing that territory and a majority vote of owners of property abutting the proposed site.

**LD 554 An Act to Establish Mediation to More Efficiently and Fairly Enforce the State's Environmental Laws**

CARRIED OVER

**SPONSOR(S)**  
MELENDY

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill requires the Commissioner of Environmental Protection to offer mediation to an alleged violator before proceeding with any administrative enforcement action or civil litigation. The bill requires the parties to participate in the mediation in good faith and permits the mediator to determine if either party fails to negotiate in good faith. If the Commissioner fails to negotiate in good faith, the commissioner may not bring an enforcement action against the alleged violator. If the parties fail to reach an agreement after 90 days, the commissioner may proceed with an enforcement action. The Chief Judge of the District Court would appoint the mediator. The bill also prohibits the commissioner from proposing to begin a civil enforcement action as a means of inducing a person to sign an admission or consent agreement or to pay a fine, and the commissioner may not use the permit process as a negotiation point in the mediation process to induce a person to sign an admission or consent agreement or to pay a fine. The bill was carried over.

**LD 556 An Act to Establish Greater Consistency among Federal and State Environmental Regulations**

ONTP

**SPONSOR(S)**  
CLEVELAND

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have required the Department of Environmental Protection to clearly identify, in rules that it submits to the Board of Environmental Protection, provisions that are inconsistent with federal rules or standards that regulate the same subject matter. This bill also would have required the department to justify proposed inconsistencies with federal rules or standards.

**LD 604      An Act to Reaffirm the Prohibition of Spaghetti-lots      PUBLIC 74**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
JACQUES LAWRENCE	OTP-AM	H-95

**SUMMARY**

This bill clarifies that the prohibition on spaghetti-lots in the jurisdiction of the Maine Land Use Regulation Commission applies to any division of land.

Committee Amendment "A" (H-95) adds a fiscal note.

**LD 606      An Act Concerning Mooring Permits      PUBLIC 187**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
COLES PINGREE	OTP-AM	H-219

**SUMMARY**

This bill allows boat moorings to be constructed without a Natural Resources Protection Act permit from the Board of Environmental Protection.

Committee Amendment "A" (H-219) tightens the definition of mooring to clarify that permanent docks do not qualify for the exemption, and adds moorings for vessels, aircraft, floating docks and buoys to the exemption.

**LD 624      An Act to Limit Conflicts of Interest and Ensure Objective and Qualified State Consultants      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CARPENTER	ONTP	

**SUMMARY**

This bill would have required contractors and consultants to the Department of Environmental Protection to meet certain qualifications and to make disclosures concerning their objectivity. The bill would have also provided for prior public notice and comment concerning the engagement of contractors and consultants.

**LD 653      An Act to Amend the Shoreland Zoning Laws      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
SKOGLUND	ONTP	