

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

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**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&S XXX</i>	<i>Chapter # of enacted Private & 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 & 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 1217 An Act to Amend the Laws Concerning Dam Registration Fees ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
NORTON ONTP

SUMMARY

This bill would have established a separate annual registration fee for dams that are located on an individual's property and maintained by that landowner for agricultural purposes or other purposes that do not produce or enhance profit on the part of the landowner.

LD 1218 An Act Related to Unavoidable Equipment Malfunctions PUBLIC 232

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
LORD OTP-AM H-261

SUMMARY

This bill would have provided that owners and operators of certain facilities are not subject to penalty for unavoidable equipment malfunctions, whether or not emission or discharge limits are exceeded nor, with respect to air emission sources, for excess emissions during start-up and shutdown as long as reasonable steps have been taken to prevent the malfunction to minimize the discharge or emission.

Committee amendment "A" (H-261) replaced the bill. The amendment grants the Commissioner of Environmental Protection the discretionary authority to exempt from civil penalty an air emission or wastewater discharge that is in excess of a license limitation if the emission or discharge occurs during start-up or shutdown of equipment. Existing law already grants such discretionary authority to the commissioner for emissions or discharges that occur during unavoidable malfunctions.

By striking the word "may" and inserting the word "shall" in the Maine Revised Statutes, Title 38, section 414-A, subsection 4, the amendment requires, rather than allows, the Commissioner of Environmental Protection to fashion license conditions that allow reasonably controlled and infrequent bypasses at treatment facilities if an applicant demonstrates to the department that such bypasses are necessary for essential maintenance to ensure efficient operation of the plant.

By striking the word "may" and inserting the word "shall" in Title 38, section 590, subsection 5, the amendment requires, rather than allows, the Commissioner of Environmental Protection to fashion license conditions that allow infrequent excess emissions during cold start-up and planned shutdown of facilities if an applicant demonstrates to the department that such emissions are unavoidable during those periods.

LD 1244 An Act to Protect Leaseholders ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
TUFTS ONTP

SUMMARY

This bill would have required owners of leased recreational lots to give the current lessee 180 days' notice of any transfer or sale of that leased lot and the right of first refusal. Any sale must be at the fair market value based on sales and transfers within 10 miles of the property.

This bill also would have required that lease rates be determined by the fair market value of lease rates within 10 miles of the leased lot. If a lease is terminated, a lessee would have been reimbursed for on-site improvements. The bill would have required that leases on recreational lots be for a minimum of 5 years.

LD 1259 An Act to Amend the Natural Resources Protection Laws

**PUBLIC 296
EMERGENCY**

SPONSOR(S)
ANDERSON

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-412

SUMMARY

This bill clarifies that areas meeting the definition of significant wildlife habitat, but not yet mapped pursuant to the Maine Revised Statutes, Title 38, section 480-I, are protected provided they occur within another protected natural resource. The bill also removes language that makes any sensitive wildlife areas mapped for the purposes of the State's oil spill clean-up program from automatically being considered mapped for the purposes of the natural resources protection laws, since the criteria of the 2 programs are not identical and therefore the boundaries will not be the same in all cases. However, data used in the mapping of sensitive wildlife areas may still be used in the mapping of significant wildlife habitat. In addition, the bill requires that habitat of endangered or threatened wildlife species must be defined by the Department of Inland Fisheries and Wildlife before qualifying as a significant wildlife habitat, as is already required for the other habitats of species under the jurisdiction of the Department of Inland Fisheries and Wildlife listed in the laws. This bill also allows for protection of threatened or endangered plant species habitat in protected natural resources that are not wetlands, including fragile mountain areas.

Committee amendment "A" (H-412) adds a section to the bill that strikes the requirement that applicants for a dredge spoils permit file dredge spoils test results with the Commissioner of Environmental Protection within one year before the submission of a permit application.

The amendment also clarifies that subsurface wastewater disposal systems are exempt from permitting requirements under the natural resources protection laws if those systems comply with the State's subsurface wastewater disposal rules adopted by the Department of Human Services. The effective date of that exemption is delayed in order to allow the Department of Human Services sufficient time to adopt subsurface wastewater disposal rules that are consistent with the minimum requirements of the natural resources protection laws.

The amendment also adds an emergency preamble, an emergency clause and a fiscal note to the bill.

LD 1270 An Act to Amend the State Contribution to Pollution Abatement and Overboard Discharge Replacement Laws

PUBLIC 223

SPONSOR(S)
ANDERSON

COMMITTEE REPORT
OTP

AMENDMENTS ADOPTED

SUMMARY

This bill broadens the ownership language for single family dwellings under the Small Community Grants Program to include spouses by using the word "owners" to replace the term "persons listed on the deed of record." In addition, the bill amends the language regarding commercial establishments by deleting the word "earnings." This change makes it consistent with the wording in the federal income tax return forms.