

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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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&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

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.

This bill also clarifies the Legislature's intent under the overboard discharge replacement program that the level of state funding is less for the replacement of seasonal residential discharges than for the replacement of year-round residential discharges. Currently, the law defines a seasonal overboard discharge as an overboard discharge from a human habitation occupied for less than 6 months in any calendar year.

Finally, the bill clarifies the overboard discharge relicensing law by adding language to include municipalities that provide the same sewerage services as sanitary and sewer districts to the provisions requiring the installation or use of wastewater holding tanks.

LD 1286 An Act to Amend the Laws Governing Aseptic Containers ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CLEVELAND	ONTP	

SUMMARY

This bill would have allowed aseptic containers to be sold in the State. The committee unanimously recommended an "ought not to pass" report. (See also LD 256 & 975)

LD 1290 An Act to Amend the Shoreland Zoning Laws CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ST. ONGE		

SUMMARY

This bill, which was carried over to the Second Regular Session, proposes to prohibit the Department of Environmental Protection from requiring towns to zone the areas around moderate value wetlands as resource protection in their shoreland zoning ordinances. Resource protection districts greater than 100 feet around high value wetlands would also prohibited.

This bill also proposes to require the Commissioner of Environmental Protection to set forth a definition of low, moderate and high value wetlands to be incorporated into the Maine Revised Statutes.

LD 1294 An Act to Ensure Implementation of the Federal Clean Air Act Amendments of 1990 PUBLIC 412

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARSH	OTP-AM	H-534 H-669 CHONKO

SUMMARY

This bill increases air emission license fees and imposes a toxicity surcharge on certain emissions effective November 1, 1993 to support DEP Air Bureau activities that are necessary to comply with the federal Clean Air Act Amendments of 1990. The bill also increases the maximum annual air emission license fee from \$100,000 to \$150,000, bases the fee for electrical generating systems on licensed allowable emissions rather than actual emissions, sets the anniversary date for annual fees, and provides that air emission license fees are to be used solely for air pollution control activities.