

MAINE STATE LEGISLATURE

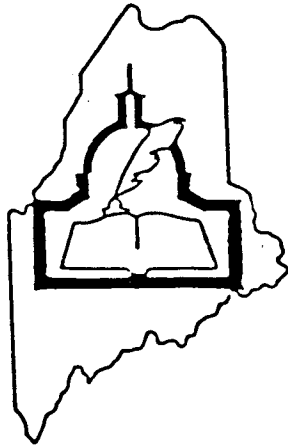
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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
ENERGY & NATURAL RESOURCES
BILL SUMMARY



JULY, 1985

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ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

LD: 652 AN ACT RELATED TO THE USE AND DEVELOPMENT OF
EMERGENCY THE WEST BRANCH OF THE PENOBSCOT RIVER

DIAMOND J
KANY
HOGLUND
KIMBALL

MAJ ONTP HOUSE Accepted MAJ Committee Report
MIN OTP-AM SENATE Accepted MAJ Committee Report
GOV

H-32 CA MIN REP

SUMMARY:

This bill would have established a new time frame for the decision by the Land Use Regulation Commission on the "Big A" hydroelectric project. Present law requires LURC to make a decision within 105 working days of submission of the completed application (June 11, 1985) unless the applicant waives that time limit requirement. The bill would have required the decision to be made within 90 days of the issuance of the Federal Energy Regulation Commission environmental impact statement (not expected until sometime in 1987) on the proposed project; LURC would have been prohibited from making a decision before issuance of the E.I.S.

CA-H-32: The Committee Amendment (minority report) would have allowed LURC to waive the deadline for issuing its decision on the "Big A" hydroelectric project upon a 2/3 vote of commission members.

Note: Following completion of the "Big A" public hearing, the LURC requested and Great Northern granted a waiver of the 105 day deadline. The new deadline agreed on by the parties is the end of September.

LD: 731 AN ACT TO IMPOSE LIABILITY FOR INTERFERENCE
WITH GROUND WATER USE

TRAFTON
MITCHELL
WARREN

HOUSE Ref'd to Committee
SENATE Ref'd to Committee
GOV

SUMMARY:

The original bill was replaced with a new draft presented by the sponsor at the public hearing. The new draft is based upon the recommendations of the Governor's Land and Water Resources Council and enables residential landowners to seek legal redress against more recent users who interfere with the prior users reasonable, pre-existing domestic use of ground water. Presently, Maine operates under the common law doctrine of absolute ownership of ground water. Under that doctrine land occupants who are ground water users have little protection against more recent users whose use interferes

with the pre-existing users use of the ground water. The bill creates a legal cause of action on the part of the pre-existing user and provides for damages to compensate the pre-existing ground water user. The bill also requires a report by the chairman of the Land and Water Resource Council on further actions necessary to address ground water use problems.

The committee had considerable discussion on the bill but was unable to reach a concensus on an approach to deal with the problem of inequitable allocation of ground water resources. Therefore, the bill will be held over to the next Session.

LD: 745 AN ACT TO PREVENT WELL WATER CONTAMINATION COOPER
ND: 1299 USHER
HOLLOWAY
JACQUES

OTP-ND HOUSE Accepted Committee Report
SENATE Accepted Committee Report
GOV

SUMMARY:
See New Draft LD 1299

LD: 771 AN ACT TO CLARIFY CERTAIN ASPECTS OF MINERAL BROWN L
ND: 1466 EXPLORATION, DEVELOPMENT AND DISCLOSURE RIDLEY

OTP-ND HOUSE Accepted Committee Report
SENATE Accepted Committee Report
GOV

SUMMARY:
See New Draft LD 1466.

LD: 836 AN ACT TO PERMIT MEDIATION OF WATER LEVEL MASTERMAN
DISPUTES MARTIN J
LAW
RUHLIN

ONTP HOUSE Accepted Committee Report
SENATE Accepted Committee Report
GOV

SUMMARY:
This bill would have provided a mechanism for the resolution of water level conflicts on bodies of water impounded by dams that are not regulated by existing state law.