

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: 1299 AN ACT RELATING TO SEPTIC SYSTEM PERMITS
ND of 745

COOPER
USHER
HOLLOWAY
JACQUES

HOUSE Enacted
SENATE Enacted
GOV SIGNED

PUBLIC
CH # 135

SUMMARY:

Both the original bill (LD 745) and this new draft protected the privileges of a septic system permit holder. Under current law, if a well is drilled within a certain distance of a licensed but not yet installed septic system, the license (permit) for the septic system is invalidated. The original bill proposed a permit system for wells which would have incorporated parallel setback requirements from licensed septic systems. Strong opposition to a new permit system persuaded the Committee to redraft the bill to protect the validity of septic system permits without the need for well permits. Under the new provisions a septic system permit cannot be invalidated under the circumstances described in this paragraph.

LD: 1359 AN ACT TO ENCOURAGE THE DEVELOPMENT OF SOLID
EMERGENCY WASTE ENERGY RECOVERY FACILITIES IN THE
STATE OF MAINE

USHER
PRAY

OTP-AM HOUSE Emerg. Enacted
SENATE Emerg. Enacted
GOV EMER SIGNED

PUBLIC
CH # 337

S-207 CA H S

SUMMARY:

The bill provided clear authority for municipalities to enter into contracts for the disposal of municipal solid waste. The need for the bill stemmed from recent problems in the bond markets connected to defaults on municipal bonds. In at least one highly publicized case (the Washington Public Power Supply System default), courts have allowed municipalities to default on substantial bonds because of imperfections in municipal charters regarding contracting authority. In Maine, a major solid waste to energy facility has been proposed in the greater Portland area that will be financed with bonds. To assure the bond markets of the clear contracting authority, the bill spells out in great detail, the nature and scope of such contracts and provides that the authorization takes precedence over any potentially conflicting municipal charter provisions.

There was substantial resistance to the "charter override" provision which was finally overcome by a redraft of the bill that separates the more sweeping contracting provisions into a set of options for an interested municipality. The override provision is retained.

The bill also incorporates authority for administrative mechanisms needed for a municipality to use variable rate bonds in a practical manner.

Finally, the bill provides some protection for small power producers who have contracted for the sale of power with a public utility under the federal Public Utilities Regulatory Policy Act and related state law. In the event that the utility declares bankruptcy, this bill provides for the preservation or recreation of the contract under the original terms.

LD: 1381 AN ACT TO AMEND THE WOOD MEASUREMENT LAWS
EMERGENCY

MCGOWAN
TWITCHELL
MILLS

OTP-AM		HOUSE Enacted		
		SENATE Enacted		
		GOV		
H-272	CA		H	S
H-372		MICHAUD		
S-299		USHER	H	S

SUMMARY:

This bill and LD 1068 proposed changes in the Wood Measurement laws which govern certain aspects of the sale of wood and services in the forest products industry. Both bills proposed a series of relatively minor changes in the existing law dealing with scaling (measurement) procedures and methods. In addition, LD 1068 sought to move the program from the Department of Agriculture to the Maine Forest Service. Both bills also sought to establish the ability of parties to a services contract to negotiate the terms of payment for services. Specifically, the bills sought to allow payment arrangements based on "discounting" or volume deductions based on quality defects discovered after harvest, often at the mill.

After considerable debate, the committee unanimously granted the sponsor of LD 1068 leave to withdraw and recommended a compromise amendment to LD 1381 which allowed for the use of discounting under certain conditions. These conditions require that, in a contract for harvest services, payment during the first 30 days occur under the terms of the