

# MAINE STATE LEGISLATURE

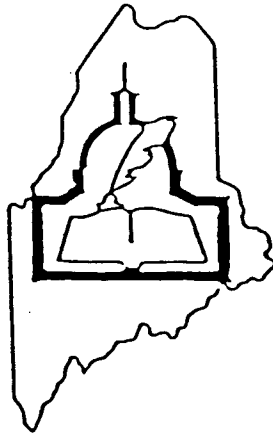
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STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
BILL SUMMARY



MAY 1986

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ONE HUNDRED AND TWELFTH LEGISLATURE  
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JOINT STANDING COMMITTEE  
BILL SUMMARIES  
MAY 1986

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, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

SUMMARY: The new draft allowed the DEP to extend its inventory of hazardous air pollutants through requests for source specific information. The new draft also authorizes the Commissioner of the DEP to shut down sources of hazardous air pollutants which pose imminent danger to public health and safety. The procedures for this type of action are spelled out. Both aspects of the new draft are similar, but somewhat more limited, to those of the original L.D. The Appropriations Committee rejected the bill due to its \$105,500 cost.

**LD** AN ACT TO CLARIFY THE APPLICATION OF WATER PL 1985  
**2107** QUALITY STANDARDS TO HYDROELECTRIC PROJECTS c. 772

Sponsor: VOSE, Usher, Perkins, Paradis, E.  
Committee Report: New Draft of LD 2032.

H-575 COLES  
H-722 MICHAUD  
H-738 MICHAUD H S  
S-393 BUSTIN  
S-398 BUSTIN  
S-408 BALDACCI  
S-442 KANY  
S-542 KANY

SUMMARY: The original bill proposed revisions in the procedures for evaluating proposed hydropower projects. Specifically, the bill provided for automatic reclassification of rivers dammed by hydropower projects to the GP-A classification for lakes. This would have allowed the BEP to evaluate the impacts of a proposed hydropower project on water quality using the standards of the Great Pond classification (GP-A) rather than the classification of the existing river. This would have removed the dissolved oxygen standards from the evaluation of hydropower projects.

The Committee majority supported the bill in new draft. The new draft retained provisions similar to those in the original bill and added a provision re delegating the authority to issue water quality certification under Section 401 of the U.S. Clean Water Act from the Board of Environmental Protection and the Land Use Regulation Commission to the Commissioner of DEP and the Executive Director of LURC depending on the location of the proposed project. The new draft further required that the certification be issued within 5 days of "the applicant's request". Failure to act within 5 days would result in waiver of the state's right to approve or deny certification. The effects of the new draft was made retroactive to cover inconsistent agency decisions. The new draft also proposed to have all rules related to the licensing of hydropower projects reviewed by the Energy and Natural Resources Committee.

The Committee minority supported the original bill as amended by CAH-541. This amendment revised the provisions for automatic reclassification of river stretches to be dammed for hydropower to the GP-A class. The amended provision would have allowed the BEP to certify hydropower impoundments with technical dissolved oxygen violations if the impoundment stratified thermally and if the impoundment met all the other water quality requirements of its existing reclassification. This would have avoided complete reclassification of the proposed site.

The House and Senate initially accepted the majority report (LD 2107). However, the Senate considered an amendment (SB-398) which revised the certification procedure of the new draft to require explicit consideration of water quality classification issues in the hydro licensing process and to allow denial of certification if water quality standards are not met. After narrowly rejecting this amendment, the Senate recommitted the bill to Committee. The House attached an amendment (HC-738) incorporating most provisions of SB-398 and also providing clearer direction to the commissioner or director on recertification procedures. This version was enacted. Other amendments (SA-393; SC-408; SD-442; SA/HC-S-542; HA-575; HB-722) were never considered by either body.

LD RESOLVE, AUTHORIZING THE EXCHANGE AND SALE  
2145 OF CERTAIN PUBLIC RESERVED LANDS

RESOLVE 1985  
c. 77

Sponsor: MARTIN, J., Pray, Mitchell, Dexter  
Committee Report: OTP-AM

H-615 CA H S