

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
ENERGY AND NATURAL RESOURCES
BILL SUMMARY



JUNE 1987

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JOINT STANDING COMMITTEE
BILL SUMMARIES
JUNE 1987

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 summaries are arranged by LD number under each committee.

All Adopted 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 "COMMITTEE" if it is a committee amendment.

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

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

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-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD 391 AN ACT TO ASSURE THAT STATE AGENCIES FOLLOW THE REQUIREMENTS OF THE MAINE ADMINISTRATIVE PROCEDURE ACT PRIOR TO ADOPTING FISHERY RESTORATION AND MANAGEMENT PLANS OR INTRODUCING NEW SPECIES INTO PUBLIC WATERS. LVWD EMERGENCY

Sponsor: CALLAHAN, Vose, Lord, Whitmore
Committee Report: LVWD

SUMMARY: The bill proposed changes in a large number of the state's water quality laws. The bill sought to require the adoption of all fisheries management plans through formal rule-making procedures along with an economic impact assessment. Enforcement of water quality laws related to fisheries would not be applied until these plans were adopted.

The bill also limited the authority of the Board of Environmental Protection with regard to water quality certification of "any facilities where another state or federal agency is empowered ... to require the construction, alteration or maintenance of the facilities...". This restriction was directed at excluding the Board from water quality certification of hydropower facilities although its broad language encompassed other types of projects.

The bill changed the definition of the term, "indigenous" in water quality law. The new definition would have required documentation of a "significant, well established presence (of a species) on or after November 28, 1975".

Finally, the bill inserted a provision into the classification statutes for the Little Androscoggin River to allow the board to grant licenses for discharges into a particular impoundment even if the discharges resulted in violations of water quality standards.

The committee rejected outright all provisions of the bill other than those requiring rule-making for the adoption of fishery management plans. After reviewing a revised, narrower version of this provision, the committee voted "leave-to-withdraw".

LD 477 AN ACT TO REQUIRE CERTIFIED PROOF OF MARKETABLE TITLE TO LAND IN A PROPOSED SUBDIVISION PRIOR TO SUBDIVISION APPROVAL. ONTP

Sponsor: HARPER, Hichborn, Pearson
Committee Report: ONTP

SUMMARY: The bill required an applicant for a municipal subdivision permit to provide the municipality with proof

that the applicant holds "marketable title" to the property under consideration. The stated purpose was to provide protection to future buyers of the subdivided property.

LD 484 AN ACT CONCERNING INSPECTION, REGISTRATION AND ABANDONMENT OF DAMS. ND LD 1376

Sponsor: NUTTING, Tracy, Ruhlin, Kany
Committee Report: OTP-ND LD 1376

SUMMARY: See New Draft LD 1376.

LD 561 AN ACT CREATING THE MAINE LOW-LEVEL RADIOACTIVE WASTE AUTHORITY. ND LD 1865
EMERGENCY

Sponsor: KANY, Mitchell, Holloway, Coles
Committee Report: OTP-ND LD 1865

SUMMARY: See New Draft LD 1865.

LD 604 AN ACT TO STRENGTHEN THE SUBDIVISION LAWS. LVWD

Sponsor: MURPHY E, Tuttle, Rolde, Whitcomb
Committee Report: LVWD

SUMMARY: The bill comprehensively revised state law governing the local subdivision review process. The bill made provision for joint review by several municipalities where a proposed subdivision affected more than one municipality. The bill included amplified language in each of the review criteria which already exist in law. In addition to these amplifications, the bill included a new review criterion dealing with subdivision impacts on the ability of the municipality to provide educational, recreation and public safety services. The municipality was authorized to assess these types of impacts in light of any formal capital improvement plan adopted by the municipality. A second new criterion allowing assessment of impacts on wildlife habitat was included. Finally, the bill authorized the municipal reviewing authority to consider the impacts of the proposed subdivision "in conjunction with other activities", eg: a cumulative impact assessment.

The committee granted the sponsor a "leave-to-withdraw" in light of the anticipated study of related growth management issues. See LD 1764.