

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

any new overboard discharge. All existing overboard discharges will be subject to relicensing on an accelerated schedule designed to accomplish review of all exiting discharges by 1993. An applicant for relicensing will have to demonstrate that the discharge meets all requirements of current water quality law and that the applicant has "fully investigated" and "implemented" all alternatives to the existing overboard discharge. These alternatives include connection with a public sewage treatment system, replacement of the discharge with an in-ground disposal system, or replacement of a discharge with a more technologically advanced overboard discharge system to reduce the impact of the discharge.

The committee amendment made provision for expansion of existing commercial, overboard discharges. This amendment makes expansions subject to the same licensing criteria used for relicensing existing facilities. In addition, the applicant must have a good compliance record on its existing licenses and must submit weekly effluent testing reports to the department.

The committee's discussion of this amendment for expansions centered on inns, restaurants, retailers and manufacturing facilities that had "domestic" (sanitary) waste discharges. The committee did not include amendments to effectively exempt condominiums and other residential developments from the prohibition on new overboard discharges.

The committee amendment also included an additional relicensing and expansion criteria to require a finding by the board that the existing or expanded discharge "will not adversely affect aquatic life...". The amendment also increased license fees to cover the fiscal impact of the bill.

During floor action, a statement was read in the Senate stating that the committee's intent was that "any publicly-owned sewerage system servicing a state, federal or municipality" be exempt from the ban on new or expanded overboard discharges. A floor amendment to LD 1868 clarified the application of this bill to state and federal facilities.

LD AN ACT CONCERNING RADIOACTIVE WASTE DISPOSAL CARRY-OVER
1274 FACILITIES ON INDIAN TERRITORY.

Sponsor: KANY, Pearson, Moholland, Vose
Committee Report: CARRY-OVER

SUMMARY: The bill required prior approval from the Passamaquoddy Tribe and the Penobscot Nation for the

location of a high or low-level radioactive waste disposal facility on existing Indian territory or on land designated as potential Indian territory under Maine Land Claims Settlement Act and the Maine Implementation Act. The committee has held the bill over until the Second Regular Session of the 113th Legislature for further consideration.

LD 1284 AN ACT TO PROVIDE A COMPREHENSIVE GROWTH MANAGEMENT PLAN FOR THE STATE.

LVWD

Sponsor: SIMPSON, Carroll, Holloway, Clark N
Committee Report: LVWD

SUMMARY: This bill is based on the 1985-86 State Planning Office (SPO) study and addresses growth management through proposed enactment or amendment of 5 sets of state and local land use laws.

First, the bill would have enacted a new Municipal Land Use Planning Law. That law would have required all municipalities to adopt a future land use plan by 1997. In addition, towns experiencing high growth (according to standards to be developed by SPO) would have been required to adopt a comprehensive plan addressing a number of specified environmental concerns by 1995. Finally, towns encompassing areas of state concern (watersheds of public water supplies, heritage areas, agricultural and forestry areas, and vulnerable ground water resources) would have been subject to additional requirements to protect those areas. The State (mainly through SPO and DEP) would provide guidelines, technical assistance and coordination of responsibilities for towns in carrying out their responsibilities.

Second, the bill proposed several changes in the Mandatory Shoreland Zoning Law. The definition would have been changed to cover areas 330 feet (250 previously) from the normal high water mark of a water body and of a coastal or fresh water wetland (not previously included). As required by existing law, BEP would have adopted minimum land use guidelines for shoreland areas which towns would have had to at least match in their ordinance. BEP approval would have been required for municipal ordinances; and, where a town failed to adopt suitable ordinances, BEP would have been empowered to do so.

Third, the Site Location of Development Law would have been expanded in several ways. The definition of "subdivision" would have been substantially amended to eliminate several size, shape and activity exclusions from the definition in current law. The bill proposed to add "fractured bedrock" to the definition of "significant ground water aquifer" and to remove the 12 month limitation from the definition of