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

PREPARED BY:

Tim Glidden, Legislative Analyst David Elliott, Legislative Analyst

OFFICE OF POLICY AND LEGAL ANALYSIS
STATE HOUSE, STATION 13 AUGUSTA, MAINE 04333
(207) 289-1670

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ARTLEY PALLESCHI, JR., RES. ASST.
KATHRYN VAN NOTE, RES. ASST.

STATE OF MAINE OFFICE OF POLICY AND LEGAL ANALYSIS HARTLEY PALLESCHI, JR., RES. ASST. KATHRYN VAN NOTE RES. ASST.

ROOM 101/107 STATE HOUSE STATION 13 AUGUSTA, MAINE 04333 TEL.: (207) 289-1670

ONE HUNDRED AND THIRTEENTH LEGISLATURE FIRST REGULAR SESSION

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

1599

Sponsor: WILLEY, Racine, Higgins, Dillenback Committee Report: New Draft of LD 216 Amendments Adopted: S-93 USHER

SUMMARY: The original bill sought to exempt transfers of liquid asphalt from the Underground Oil Cleanup fee. new draft has the same intent but corrects some drafting errors.

The Senate amendment adds a fiscal note to the bill indicating a negative impact on the Groundwater Oil Cleanup Fund of \$14,000 annually.

1617

AN ACT TO EXTEND AND STRENGTHEN THE STATE'S MANDATORY SHORELAND ZONING LAWS.

ONTP

Sponsor: MURPHY T, Gould RR, Tuttle Committee Report: ONTP

SUMMARY: This bill would have made significant changes to the current mandatory shoreland zoning law in five areas. First, areas within 250 feet of coastal and freshwater wetlands were to be considered within the shoreland zone, which currently includes lands within 250 feet of ponds Secondly, definitions of normal high water and rivers. line, coastal and freshwater wetlands were added, the definition of pond was replaced with the definition of great pond used in the Great Pond Program, and structure was redefined to clearly include objects other than buildings. In a third area, state oversight of municipal authority, BEP approval would have been necessary before municipal shoreland ordinances and amendments to them could take effect. In a fourth area, additional municipal powers and their limitations, municipalities were given expanded jurisdiction over structures that extend over water or lie between high and low wetlands or within wetlands. structures, replacements or substantial expansions of structures would meet water set-back requirements set by the BEP except in cases of operational necessity. non-conforming expansion of a non-conforming structure was not permitted unless granted by a municipal variance. last of the major changes directed DEP to extend "all possible technical and other assistance to municipalities," made the Attorney General a party to all challenges to the validity or legality of shoreland zoning ordinances, and clarified the enforcement procedures applied by the BEP.

Other land use related bills submitted during the first regular session of the 113th Legislature were L.D.s: 1284, 1442, 1580, 1647, and 1764 (a new draft of 1442). The committee decided to withhold support for this bill, choosing instead to perform a comprehensive study of land use issues and economic development before making any major changes in current statutes.

LD AN ACT TO STRENGTHEN THE SITE LOCATION OF DEVELOPMENT LAW IN THE SHORELAND ZONE.

ONTP

Sponsor: LUDWIG, Brannigan, Murphy T, Michaud Committee Report: ONTP

SUMMARY: This bill addressed the problem of cumulative impacts from small developments in several ways. First, a general recognition and definition of cumulative impact was included in sections on findings and purpose and in the definitions. Secondly, in an effort to ensure appropriate development in the shoreland zone, three types of shoreland zone development were to be brought under site location review. Multiunit housing of ten or more units, subdivisions, and developments currently exempted from subdivision review because their lots are more than 40 acres in size would be reviewed if all or part of the development was in the shoreland zone. Further, no project reviewed under site location would be allowed to unreasonably affect customary public access to adjacent waters and developers would be responsible for providing adequate utilities, roadways, and open space without unreasonably adverse effects on existing facilities and open space. In addition, acceptable multiunit housing and subdivisions in the shoreland zone would have been required to meet other standards that included no unreasonable erosion; harm to plant, aquatic or wildlife habitat; interference with natural flow of waters; lowering of water quality; flooding hazard; or interference with sand dune movement. Other proposed changes would have removed the exemptions for both gravel pits of less than five acres or those pits regulated by DOT and added fractured bedrock aquifers to the definition of significant ground water aquifers.

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