

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

HELEN T. GINDER, DIRECTOR
HAVEN WHITESIDE, DEP. DIRECTOR
GILBERT W. BREWER
DAVID C. ELLIOTT
GRO FLATEBO
MARTHA E. FREEMAN, SR. ATTY.
JERI B. GAUTSCHI
CHRISTOS GIANOPOULOS
WILLIAM T. GLIDDEN, JR.



STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS

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

JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS H. RYDELL
JOHN R. SELSER
CAROLYN J. CHICK, PARALEGAL
ROBERT W. DUNN, RES. ASST.
HARTLEY PALLESCHI, JR., RES. ASST.
KATHRYN VAN NOTE, RES. ASST.

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

procedure. The primary responsibility lies with the harvestors of "biomass fuel" for assuring proper certification. Specific exemptions are provided small operations, harvesting on tree farms, harvesting outside the state, harvesting on lands whose primary use is being changed from commercial forestry to something else. The purchaser is authorized to require the harvestor to produce evidence of certification but is not directly responsible for the quality of the harvest operations.

LD AN ACT TO CLARIFY THE SITE LOCATION LAW.
1681

PL 1987
c. 287

Sponsor: JACQUES, Tammaro, Michaud
Committee Report: New Draft of LD 232

SUMMARY: The original bill amended the Site Location Act to allow the gradual expansion of facilities without review by the Department of Environmental Protection. The definition of the term "structure" was amended to include a five year time period. In addition, 10% annual expansions of any facility would be allowed without review. The new draft eliminates the redefinition of the term, "structure". The new draft narrows the allowance for unreviewed expansions to new construction which is less than 30,000 sq. ft. per year and which does not fall under the statutory definition of "development which substantially affects the environment".

LD AN ACT TO AMEND THE LAWS ADMINISTERED BY THE
1709 DEPARTMENT OF ENVIRONMENTAL PROTECTION

FAILED
BETWEEN
HOUSES
EMERGENCY

Sponsor: MURPHY E, Cahill, Ridley, Anderson
Committee Report: OTP-A
Amendments Adopted:
H-311 COMMITTEE
H-328 MICHAUD
S-182 USHER (Senate)

SUMMARY:The original bill was very similar to LD 864. Both bills were omnibus packages affecting the Department of Environmental Protection. Sections 8 through 26 of LD 1709 were dealt with in the previous legislation and are not discussed further here. All of these sections were deleted by the committee's amendment.

The first section of LD 1709 was replaced to add air quality laws to the category of laws that can employ the "Rule 80-K" enforcement procedures within the jurisdiction of District Courts. This provision was amended to make its format consistent with the previously amended version of this statute (see LD 864).

Sections 2 through 6 of LD 1709 dealt with the Department's application fee structure and the administration of revenues generated by these fees. These sections were amended to ensure consistency with the newly-enacted "overboard discharge" law (see LD 1268), to authorize special application fees of up to \$40,000 for proposed projects of unusual "size, uniqueness (or) complexity", and to make typographical corrections.

Section 7 dealt with an exemption provision to the Great Ponds Act. This section had been previously addressed in LD 864 in slightly different form. It was inadvertently not omitted in the committee's amendment.

Section 27 of the LD 1709 created a "super-lien" provision for hazardous waste sites. The state was authorized to attach liens to the property of any party responsible for the site in question. Such liens would have precedence over "all transfers and encumbrances recorded on or after June 1, 1987. An exemption was provided for residential property. Procedural aspects were defined. (see LD 1883).

The committee amendment also added several new sections to the bill. The first modified the definition of the term, "quasi-municipal", in the "overboard discharge" law to explicitly exclude state government facilities from the term. This revision had the effect of making any new state facility clearly subject to the ban on new overboard discharges of domestic pollutants.

The committee amendment also included an exemption to the Vessels at Anchorage Law. The exemption allows the anchorage of unpowered oil storage vessels with less than 500 barrels capacity without a state permit provided the state is notified of the anchorage.

The committee amendment includes a technical amendment to the uncontrolled hazardous substance site law and a grammatical change in the wording of the hazardous waste lien provision of the original bill.

Finally, the committee amendment revises a provision in an earlier DEP omnibus bill (PL 1985, c.746 §36) that governed the transition period for shifting the bureau directors of the DEP from the classified to the unclassified personnel service systems. The original transition provision allowed the then-current bureau directors to remain in their positions with classified service protection until July 16, 1989. The amended version allows the Commissioner to replace the current bureau directors at his or her pleasure but requires that the current directors continue to be compensated at their current level through the full transition period.

The committee rejected a proposed amendment to require the Commissioner of Inland Fisheries and Wildlife to adopt fisheries management plans through the formal rule-making process of the the Administrative Procedures Act.

This amended version of the bill was unanimously recommended by the committee. A House amendment was added and accepted by the Senate to prohibit timber harvesting in the resource protection districts of shoreland zones around great ponds.

The Senate adopted an amendment which struck out the new definition of the term, "quasi-municipal" and replaced that section of the bill with a new section which had the effect of clearly exempting state and federal facilities from the ban on new overboard discharges. The House refused to adopt this amendment and the Senate refused to withdraw it. As a result, bill was left "between the houses" and was not enacted. Instead, the Governor introduced and the Legislature after amendment enacted a separate bill, LD 1868 dealing with the same issues as this bill. See LD 1868 for a full discussion.

LD	AN ACT TO PROTECT EXISTING ESSENTIAL PUBLIC	FAILED
1715	AND PRIVATE GROUND WATER SUPPLIES	BETWEEN
		HOUSES

Sponsor: LUDWIG, Usher, Michaud
Committee Report: NOT REFERRED

SUMMARY: The bill protects the rights a domestic user of ground water against the subsequent actions of other ground water users. The provisions of this bill had already been incorporated in LD 836. Thus, the bill was never referred for committee consideration.

LD	AN ACT TO IMPROVE ENFORCEMENT PROCEDURES UNDER	PL 1987
1740	THE LAND USE REGULATION LAW	c. 368
		EMERGENCY

Sponsor: MARTIN J, Dexter, Lord, Michaud
Committee Report: ENG W-O REF
Amendments Adopted:
H-248 MICHAUD

SUMMARY: This bill, which was engrossed without reference to committee, was considered by the committee informally. The bill changed the penalty provisions of the Land Use Regulation law; increasing the maximum penalty from \$500 per day to \$10,000 per day. In addition, the bill explicitly provides for court-ordered restoration of any damages resulting from any violations. The committee, via a House amendment, added an emergency provision to the bill.