

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

the bill was indefinitely postponed in both houses. The bill was recalled from the legislative files and amended in the House to substitute the Ground Water Oil Clean-up Fund in place of the General Fund to back the loan guarantee program. The bill was enacted in this form.

LD
1764

AN ACT TO ENHANCE LOCAL CONTROL OF COMMUNITY
GROWTH AND STRENGTHEN MAINE'S LAND USE LAWS.

PL 1987
c. 514

Sponsor: ANDREWS, Mayo, Carter, Randall
Committee Report: New Draft of LD 1442
Amendments Adopted:
S-286 PEARSON

SUMMARY: The original bill proposed a Community Growth Management Fund to be funded by a Land Speculation Tax on the sale or exchange of real estate. The fund would have been administered by the State Planning Office (SPO) to assist municipalities in land use planning and ordinance development. The bill also would have removed the 40 acre lot exemption from the definition of subdivision in municipal and LURC laws; and in the Site Location of Development Law it would have deleted size and shape exemptions from the definition of subdivision and expanded the definition on to cover certain development in shoreland areas and multiunit housing. LURC and BEP are directed to take the cumulative impact of development into account when reviewing applications. Public access to water bodies and adequate provision of infrastructure facilities would have been added to BEP's review criteria under the site law. The shoreland mandatory zoning law would have been amended to include areas around coastal and freshwater wetlands and points along rivers below which the river drains 10 square miles. The BEP would have developed minimum land use guidelines to be adopted by municipalities for shoreland areas. All variances would have required approval by the commissioner. Finally LD 1442 would have created the Maine Commission on Land Conservation and Economic Development.

The new draft retained but revised the membership and duties of the study commission. The commission will consist of 9 members, 3 Senators and 6 Representatives, from the Energy and Natural Resources and Taxation Committees. The commission will conduct a study of the relationship between the well-being of the State's environment, the rapid growth in land use pressure, the quality of life in Maine and stable, long-term economic development. The new draft also enacted provisions into the LURC and municipal subdivision laws to curtail use of 40 acre "spaghetti" lots to avoid subdivision review when those are located in shoreland areas.

The Senate amendment adjusts the amount appropriated for the study commission.

See also: LD 1284, 1369, 1580, 1617 and 1647.

LD 1785 AN ACT TO ALTER THE FEE ON THE REGISTRATION OF UNDERGROUND TANKS. FAILED BETWEEN HOUSES

Sponsor: LORD, Harper, Soucy
Committee Report: New Draft of LD 682

SUMMARY: The original bill reduced by 50% the annual reregistration fee for underground oil storage tanks. The committee unanimously recommended a new draft which corrected several technical errors. The new draft was rejected by the full legislature.

LD 1803 AN ACT TO PROVIDE FOR NOISE GENERATED BY DEVELOPMENTS. PL 1987 c. 346 EMERGENCY

Sponsor: HOGLUND, Usher, Rand, Dexter
Committee Report: New Draft of LD 1388

SUMMARY: The original bill was designed to overrule an action of the Board of Environmental Protection regulating the noise levels generated by scrap metal loading operations at the Merrill pier in Portland harbour. The bill established a two part regulatory scheme predicated on the notion that noise regulation was properly a matter for local control. The bill established statewide noise standards to be administered by the Department of Environmental Protection in all areas with no local ordinance. However, the existence of any local ordinance, regardless of its substance, would preempt the statutory noise standards and the Department's authority. The effect of the bill would have been to invalidate a Board of Environmental Protection order governing noise levels at the Merrill pier leaving the regulation of such noise to the existing Portland city ordinance.

The new draft retained language emphasizing the localized nature of noise problems. However, the new draft allows the existing Board order to stand pending the adoption of new rules by the Board. Following the adoption of the new rules, the applicant (Merrill) or any intervenor in the case may petition for reconsideration of the original Board order. A fundamental difference between the two versions is that the new draft establishes the Board's noise regulation authority as the minimum standard for the entire state. Less rigorous local ordinances would not preempt