

# 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 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

the Board's authority as they would have under the original bill. The Board is directed to consider any provisions of local ordinances when reviewing specific applications. Towns are explicitly authorized to adopt ordinances which are more strict than the state rules. The statutory guidance for the Board's noise rulemaking authority is much more general than that contained in the original bill. The Board is directed to adopt the new rules by December 31, 1987.

LD 1862 AN ACT TO ENSURE SAFE MANAGEMENT, RECYCLING AND DISPOSAL OF SOLID WASTE AND TO REORGANIZE THE SOLID WASTE LAW.

PL 1987  
c. 517  
EMERGENCY

Sponsor: Pursuant to P&SL 1985, c. 137  
Committee Report: New Draft of LD 1499  
Amendments Adopted:  
S-235 USHER

SUMMARY: The original bill was the product of the committee's study of solid waste management policy in Maine pursuant to P&SL 1985, c. 137. The overall intent of the new draft is virtually identical to that of the original draft. The Joint Standing Committee on Energy and Natural Resources has issued a study report with its findings and recommendations. This report provides additional background material and description of the intent of the legislation. Committee files provide substantial documentation of the deliberations undertaken in the development of this legislation. The purpose of this new draft is primarily to correct a variety of drafting and typographical errors in the original bill.

The purpose of the legislation is to establish a comprehensive framework for the safe management and disposal of Maine's solid waste. The legislation addresses four specific areas:

1. Establishment of a state-funded, rapid clean-up and closure program for existing municipal and abandoned landfills, particularly those poorly-sited facilities which threaten public health and ground water quality;
2. Establishment of a lead role for the state in developing and supporting effective recycling and source reduction efforts throughout Maine;
3. Revision of the disposal facility siting process to link this process to recycling efforts and the state's disposal capacity needs and to obtain more effective public participation; and