

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
113TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
ENERGY AND NATURAL RESOURCES

MAY 1988

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Sen. Zachary Matthews  
Sen. Margaret G. Ludwig

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\* Denotes Chair

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**ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST & SECOND SPECIAL SESSIONS  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES  
MAY 1988**

*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 for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are indicated as follows::*

<b>OTP</b>	<b>Ought to Pass</b>
<b>OTP-ND</b>	<b>Ought to Pass in New Draft</b>
<b>OTP-ND-NT</b>	<b>Ought to Pass in New Draft, New Title</b>
<b>OTP-A</b>	<b>Ought to Pass as Amended</b>
<b>ONTP</b>	<b>Ought Not to Pass</b>
<b>LVWD</b>	<b>Leave to Withdraw</b>
<b>INDEF PP</b>	<b>Indefinitely Postponed</b>

*Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Secretaries: Charlene Brann, Janet Jean, Earl Knox, Valarie Parlin; Research Assistant Hartley Palleschi. Finally, Secretary Lorette Knox, Legal Assistant Carolyn Chick, and Research Assistant Robert Dunn had special responsibilities in the preparation of the overall document.*

*Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.*

LD An Act to Ban Importing of All Waste  
2185

ONTP

SPONSOR(S)  
GOULD R R  
MARSANO  
RANDALL  
WEBSTER C

COMMITTEE REPORT  
ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill banned the importation of waste into the state and included radioactive, hazardous, special, septage and solid wastes as well as waste oil.

LD An Act to Provide Greater Public Dissemination of  
2200 Information Concerning Prohibition of Certain Land Usages

INDEF PP

SPONSOR(S)  
BEGLEY  
LORD  
MAYO  
LUDWIG

COMMITTEE REPORT  
OTP-AM

AMENDMENTS ADOPTED  
H-480

SUMMARY

The original bill required the DEP to develop pamphlets discussing all state laws and rules on the introduction of phosphorus or phosphates into the environment and on brush and timber cutting. The pamphlets would have been distributed by the DEP to permit applicants and by the registers of deeds to grantees of real estate. An appropriation of \$4,700 was requested.

The committee amendment (H-480) removed the requirement for distribution by registers of deeds. The Commissioner of Environmental Protection was charged with distributing the pamphlet to a wide range of people and permitted to include other related topics.

The amended version of the bill died on the appropriation table.

LD An Act to Strengthen the Site Location of Development Law  
2202

PUBLIC  
812

SPONSOR(S)  
PEARSON  
MURPHY T  
MICHAUD  
LORD

COMMITTEE REPORT  
OTP-AM

AMENDMENTS ADOPTED  
H-753 GOULD R A  
S-477  
S-483 USHER

SUMMARY

The bill, as amended in committee, makes numerous changes to the Site Location of Development Law. Many of these are purely technical and structural. However, a number of substantive changes are made in the definition of the term, "shoreland area" and in the definition of the term, "development" which

includes subdivisions. These changes will increase the number and types of projects subject to review by the Department of Environmental Protection. The amended bill includes areas around freshwater and coastal wetlands in the shoreland area. Several exemptions from the definition of subdivision are narrowed, including the 40 acre exemption (see S-483). Multi-unit housing of 10 or more units is included in the definition of "development" when located in a shoreland area.

The bill also changes the criteria for approval of applications. The Department is directed to consider the impact of the proposed development on various kinds of infrastructure, including water and sewer systems, roads, open space and solid waste disposal. The Department will also add consideration of flood hazards and, where the development is on or adjacent to a sand dune, sand supply. Finally the traffic standard is amended to conform to changes made in a separate bill, LD 2326.

The original bill also proposed the complete elimination of several subdivision exemptions and the inclusion of small gravel pits in Site Law review. The original bill would have added consideration of public access to the Site Law criteria. These changes are not included in the final version of the bill.

H-753 amended the transition language provided by the committee amendment. However, see LD 2651 for the final version of the transition language which governs how the new law will affect pending applications and activities which become newly regulated as a result of this bill.

**LD An Act Relating to the Direct Initiative Process**  
**2209**

**ONTP**

SPONSOR(S)

RAND  
MATTHEWS Z  
CONLEY

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill would have amended a general provision of Maine law (1 MRSA §302) which governs the treatment of actions or proceedings pending at the time of a change in law. The bill would have defined the term, "pending", for land development situations, as requiring possession of all necessary regulatory approvals and permits. The bill also would have reemphasized that this section of statute is a rule of construction. The same set of issues was addressed in LD 2317.