

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
113TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARY
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

MAY 1988

MEMBERS

Sen. Ronald E. Usher *
Sen. Zachary Matthews
Sen. Margaret G. Ludwig

Rep. Michael H. Michaud *
Rep. Paul F. Jacques
Rep. James Mitchell
Rep. James Reed Coles
Rep. Annette M. Hoglelund
Rep. Richard A. Gould
Rep. Edward L. Dexter
Rep. Muriel D. Holloway
Rep. Willis A. Lord
Rep. Malachi Anderson

* Denotes Chair

Staff: Tim Glidden, Legislative Analyst

Office of Policy & Legal Analysis
Room 101, State House Sta. 13
Augusta, ME 04333
(207) 289-1670

EN T. GINDER, DIRECTOR
EN WHITESIDE, DEP. DIRECTOR
ERT W. BREWER
D C. ELLIOTT
) FLATEBO
THA E. FREEMAN, SR. ATTY.
B. GAUTSCHI
LIAM T. GLIDDEN, JR.



STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS

ROOM 101/107/135
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.

**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::

| | |
|------------------|--|
| 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 |

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 Laurette 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.

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 2209 An Act Relating to the Direct Initiative Process

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.