

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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**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.

LD An Act to Restrict the Department of Environmental LV/WD
2270 Protection from Hiring Independent Legal Counsel to Oppose
the Attorney General Unless Authorized by the Legislature

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
MITCHELL	LV/WD	
MICHAUD		
OLIVER		
MCGOWAN		

SUMMARY

The bill would have required legislative approval before the Department of Environmental Protection could employ private legal counsel. Existing law requires approval by the Attorney General before a State agency may employ private legal counsel.

LD An Act to Enable the Creation of Watershed Districts ND 2610
2273

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
KANY	OTP-ND	
TRACY		
JACQUES		
LACROIX		

SUMMARY

Replaced By LD 2610

LD An Act to Prohibit the Establishment of Docking Condominiums PUBLIC
2289 on Tidewaters, Lakes and Great Ponds 765

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
MITCHELL	OTP-AM	H-585
OLIVER		S-436 USHER
HOLLOWAY		
RAND		

SUMMARY

The original bill would have prohibited the state from leasing any submerged public lands for development as "docking condominiums", a term defined to mean berthing space which is leased for periods of more than one year. Other prohibitions on this type of development were also proposed.

The committee amendment establishes a five year limit on subleases of berthing space from any existing or proposed lease of submerged land. In addition, this amendment enacts several new statutory leasing criteria governing the Bureau of Public Land's consideration of applications for new leases of submerged land. Both of these provisions are to be repealed 91 days after the adjournment of the First Regular Session of the 114th Legislature. In the interim the Bureau is directed to conduct a study of current submerged lands leasing policy and its impact on marine-related activities. The Bureau will report back to the Legislature by January 1, 1989.

A Senate amendment (S-436) exempts existing subleases and any plan for subleasing approved by the Bureau of Public Lands prior to April 15, 1988 from the five year limitation on subleases.

LD An Act to Enhance Outdoor Recreation Opportunities
2301 (Reported Pursuant to P & S Laws of 1987, Chapter 68)

VETO
SUSTAINED

<u>SPONSOR(S)</u>	<u>COMMITTEE</u>	<u>REPORT</u>	<u>AMENDMENTS ADOPTED</u>
	OTP-AM		S-363 S-524 PEARSON

SUMMARY

The original bill contained the recommendations of the Maine Commission on Outdoor Recreation established pursuant to Private and Special Law 1987, chapter 68.

The bill would have amended the membership provisions of the Land for Maine's Future Board to add 2 additional public members and adjusted other technical provisions to fit the increased size of the board.

The bill would also have established the Maine Advisory Commission on Outdoor Recreation with broad responsibilities to assess and coordinate outdoor recreation issues, needs and policies. The responsibilities of the advisory commission are described fully in the final report of the 1988 Commission on Outdoor Recreation.

Finally, the bill would have amended the limited liability protection currently afforded to private landowners who allow public recreational use of their land without receiving compensation. This bill would have required that the court assess legal costs against the unsuccessful plaintiff suing a landowner who charges access fees.

The committee amendment substituted the Commissioner of Marine Resources for the Commissioner of Transportation on the Land for Maine's Future Board, deleted two geographic representational requirements and added an appropriation section. A Senate amendment (S-524) reduced the appropriation. Numerous floor amendments were considered and rejected concerning the liability provisions.

The governor's veto of the bill was sustained and two similar pieces of legislation were subsequently introduced to accomplish similar purposes (see LDs 2653 & 2658).