## 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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#### 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 Require Testing for Dioxin and Toxic Metals at 2362 Energy Recovery Facilities

PUBLIC

688

SPONSOR(S)
DUTREMBLE D
DUTREMBLE L
MURPHY T

COMMITTEE REPORT

AMENDMENTS ADOPTED H-537 JACQUES

#### SUMMARY

KERRY

The original bill would have required testing for dioxin in the air emissions of energy recovery facilities. In the first two years of operation the testing would have occurred every 6 months. After two years, the testing frequency would have dropped to once every two years. Testing would have been required to simulate worst case conditions. Public review of test results would have been required.

The original bill was replaced by a House amendment (H-537). The amendment retained the public review requirements and the testing schedule for the first two years. After the first 2 years, testing will be required when, in the judgement of the Department of Environmental Protection, the operating conditions of the facility were conducive to emission of excessive levels of dioxin and heavy metals. The Department is directed to adopt rules governing this process by January 1, 1989. All costs are to be borne by the owner of the facility being tested.

## LD An Act to Revise the Solid Waste Law 2368

PUBLIC

706

SPONSOR(S)
JACQUES
PARADIS E
USHER
PERKINS

COMMITTEE REPORT
OTP MAJ
ONTP MIN

AMENDMENTS ADOPTED H-544 JACQUES

### SUMMARY

This bill repeals the authority of county commissioners to adopt ordinances controlling the siting of landfills in the unorganized portions of their jurisdiction. A House amendment (H-544) explicitly voided any such ordinance which might have been adopted prior to the effective date of this bill.

LD An Act to Appropriate Funds to Conduct a Marine Pollution 2 2371 Monitoring Program

PUBLIC 843

SPONSOR(S) MITCHELL COLES COMMITTEE REPORT

AMENDMENTS ADOPTED S-520 PEARSON

LOOK CAHILL

#### SUMMARY

The original bill established a Marine Environmental Monitoring Program within

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Energy and Natural Resources

the Department of Environmental Protection to monitor and assess industrial and chemical contamination in the marine and estuarine environments. Sources and impacts of contaminants and an assessment of the marine and estuarine conditions were to be studied and a report made to the Legislature. An appropriation of \$134,226 was included to fund the purchase of various contractual services, laboratory analysis, operating expenses and one position with the department. The scope of the legislation was limited by S-520 to program design and a report to the legislature. Funding was reduced to support the DEP position.

LD An Act to Extend and Strengthen the State's Mandatory 2374 Shoreland Zoning Laws

PUBLIC 815

SPONSOR (S) HOLLOWAY

COMMITTEE REPORT OTP-AM

AMENDMENTS ADOPTED

H-597

USHER LUDWIG VOSE

#### SUMMARY

This bill, as amended, is a comprehensive reorganization of the state Shoreland Zoning Law. The major substantive changes are as follows. The bill extends the shoreland zone to cover areas within 250 feet of fresh water and coastal wetlands. The bill also requires that all local ordinances adopted to implement the Shoreland Zoning Law be approved by the Board of Environmental Protection. The bill requires municipalities to send copies of any request for a variance from a shoreland zoning ordinance to the Commissioner of Environmental Protection for review and comment prior to local action on the request. The bill also changes the standards for timber harvesting and the clearing of vegetation. These last changes eliminate the current allowance for "view corridors".

LD An Act to Make Improvements to and Facilitate Prompt 2375 Enforcement of Environmental Laws

LV/WD

LV/WD

SPONSOR(S)

COMMITTEE REPORT AMENDMENTS ADOPTED

LORD GREENLAW USHER CAHILL

The bill would have changed current court jurisdictions to allow the Department of Environmental Protection to bring enforcement actions in either District Court or Administrative Court. These matters could be heard in Superior Court only on appeal. The bill would also have allowed game wardens to enforce environmental laws, including serving civil process on violators. The bill would have established a new program similar to the Rule 80K program to allow departmental employees to represent the department in court on enforcement work. These employees would have been authorized to issue summonses.

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