

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. 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::

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.

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** **PUBLIC**
2374 **Shoreland Zoning Laws** **815**

<u>SPONSOR(S)</u>	<u>COMMITTEE</u> <u>REPORT</u>	<u>AMENDMENTS ADOPTED</u>
HOLLOWAY	OTP-AM	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** **LV/WD**
2375 **Enforcement of Environmental Laws**

<u>SPONSOR(S)</u>	<u>COMMITTEE</u> <u>REPORT</u>	<u>AMENDMENTS ADOPTED</u>
LORD	LV/WD	
GREENLAW		
USHER		
CAHILL		

SUMMARY

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.

The bill would have changed the process for referring enforcement actions to the Attorney General and made other procedural changes in the Department's enforcement process.

The bill would have apportioned all penalties collected with two-thirds to the General Fund and one-third to the Maine Environmental Protection Fund.

LD An Act Concerning Shoreline Alteration of Artificially PUBLIC
2382 Created Great Ponds 771

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED
CLARK H OTP-AM H-666
PRAY
MICHAUD
GOULD R A

SUMMARY
The original bill would have provided an exemption from the Great Ponds law for dredging in portions of artificially created ponds when those portions are exposed by water drawdowns. The bill also would have altered the requirements for demonstrating right, title and interest to the areas affected by a proposed Great Ponds activity. The committee amendment eliminated the provisions regarding dredging and extended the provisions affecting the standard for showings of right, title and interest to statutes controlling the Land Use Regulation Commission.

LD An Act Concerning Safety Hazards on Maine Lakes PUBLIC
2425 674
 EMERGENCY

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED
MELENDY OTP-AM H-527
DOW
JACQUES
DAVIS

SUMMARY
This bill, as amended by committee amendment H-527, allows a municipality to mark safety hazards on waterways within its jurisdiction if the Bureau of Parks and Recreation declines a request for marking. Municipalities must adhere to the uniform marking system established by the Bureau.