

MAINE STATE LEGISLATURE

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**STATE OF MAINE
114TH LEGISLATURE
FIRST REGULAR SESSION**



**BILL SUMMARY
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES**

JULY 1989

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ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1989

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 for 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 abbreviated 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 Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

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

SPONSOR(S)

MICHAUD
ANDERSON
JACQUES
KANY

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-294

SUMMARY

This bill, as amended (H-294), addresses several concerns of the U.S Environmental Protection Agency with the state's water quality laws. The principal changes concerns the "anti-degradation policy" which is required by the federal Clean Water Act (PL 92-500, as amended). These provisions govern the regulatory treatment of proposed waste water discharges and other projects which could degrade some characteristic of a water body while meeting the technical classification standards. One protected aspect of any water body are the "existing uses" of the water body such as recreation, fish and habitat. The amended bill provides a procedure for identifying the existing uses which warrant protection.

The bill also reworks the definition of "high quality waters" protected by the anti-degradation policy to directly include all Class AA and SA waters rather than using the indirect and less comprehensive reference to the Maine Rivers Act (12 MRSA §401 et seq).

Finally, the amended bill consolidates the hydropower licensing process to allow the state to make all of its licensing decisions without the need to wait for any federal decisions regarding the anti-degradation policy. This is accomplished by establishing the water quality criteria of the hydropower licensing law as a separate licensing criteria and including within it the ability for the Board of Environmental Protection to evaluate proposed impoundments under a lake water quality classification if the impoundment is at least 30 acres in size, would thermally stratify and receives no upstream discharges (except cooling water) and if creation of the impoundment will not itself violate the anti-degradation policy.

LD 508 An Act to Permit Water Utilities to Repair, Maintain and
Replace Existing Facilities

LV/WD

SPONSOR(S)

HOGLUND
ERWIN E
LORD
MICHAUD

COMMITTEE REPORT

LV/WD

AMENDMENTS ADOPTED

SUMMARY

This bill would have permitted routine and emergency repairs and maintenance activities on existing facilities by a water utility without having to obtain a permit from the Board of Environmental Protection. A similar provision was enacted during the fourth special session of the 113th Legislature.