

# 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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Sen. Margaret G. Ludwig

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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)  
JACQUES  
MITCHELL  
DEXTER

COMMITTEE REPORT  
OTP-AM

AMENDMENTS ADOPTED  
H-361

SUMMARY

This bill allows all laws administered by the Department of Environmental Protection to be enforced in District Court through the 80K process. The committee amendment (H-361) allows that any enforcement hearing, held under the Maine Administrative Procedure Act, Maine Revised Statutes, Title 5, chapter 375, on an alleged violation of Title 38, of rules promulgated under Title 38, or of the terms of a license, permit or order issued under Title 38 may be held by the Department of Environmental Protection.

The amendment requires the department to receive prior approval from the Attorney General before the department initiates any civil action in which employees of the department represent the department in District Court to enforce Title 38 and deletes provisions of the original bill permitting the commissioner to issue cease and desist orders. It replaces these with provisions from existing law permitting the commissioner to issue orders to alleviate hazards.

The amendment retains the provisions in current law which establish the procedures for revoking or suspending licenses and provides that all orders of the board or the commissioner may be enforced by the Attorney General and that the board or commissioner must immediately notify the Attorney General if an order is not complied with.

The amendment deletes from the bill provisions restricting the removal to Superior Court of actions brought in District Court to enforce plumbing laws, land use laws and ordinances, and Title 38, chapters 2 to 16.

SPONSOR(S)  
MICHAUD  
PEARSON  
LORD  
COLES

COMMITTEE REPORT  
OTP-AM

AMENDMENTS ADOPTED  
H-192  
S-407    PEARSON

SUMMARY

This bill, as amended (H-192), makes a series of technical corrections to the 1988 Growth Management Act (now 30-A MRSA §4301 et seq). The amended bill clarified the relationships between the municipal planning schedules and the transition provisions for existing local land use ordinances. The amended bill incorporates changes made earlier in this session regarding greenbelts (see LD 247). The Municipal Legal Defense Fund, established in 1988, was amended to become a nonlapsing fund. The unexpended amount allowed to carry forward was capped at \$250,000 (S-407). The original bill would have explicitly excluded "slow growth" land use ordinances from the definition of land use moratorium. This provision was dropped from the version finally enacted.