

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.

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COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-379

SUMMARY

This bill incorporates recommendations from a working group on submerged land established as part of Public Law 1987, chapter 765. That group recommended a new fee structure for submerged lands to correlate with the municipally assessed value for adjacent uplands. This increase in fees will be used to fund a submerged lands coordinator within the, Bureau of Public Lands to administer the submerged land program. This bill also requires that all existing structures with constructive easements be registered and that landowners pay a registration fee and one-time administrative fee.

The bureau's authority to deny leases is clarified as well as the ability of the bureau to require applicants to compensate the public for any loss of public trust rights or public access. The repealing clause for prohibiting the rental of leases for marinas for more than 5 years is removed.

The committee amendment (H-379) differs from the original bill in that it clarifies how the director will determine the rental rate for leases and sets forth the classifications in statutory language.

The amendment also prohibits transfers of subleases of submerged lands except to the original holder of the lease or to heirs upon death of the sublease holder. The right of the director to deny a lease that will interfere with customary or traditional public access to or on the submerged lands is clarified for easements. A companion bill, LD 558, contains similar language for the director to deny leases.

The director is given the authority to negotiate with an applicant for a submerged lands lease to provide compensation for the loss of public uses if the director determines that the lease will result in a loss of public access. The amendment also stipulates that municipal officials will have a voice in this determination.

Finally, the amendment makes several technical changes to the definitions of terms used in this section and requires the bureau to undertake a study of the disparity of lease fees on water bodies that cross into several jurisdictions.

**LD 911 An Act to Increase the Aggregate Area Allowed for 5-acre and
10-acre Lots in the Site Location of Development Laws'
Subdivision Provisions (BY REQUEST)**

ONTP

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COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have increased the aggregate land area for subdivisions exempt from review under the site location of development laws when all lots in the subdivisions are at least 5 or 10 acres in size and other restrictions are met. When all lots are at least 5 acres in size, a subdivision would have been exempt if the aggregate land area is 250 acres or less. When all lots are at least 10 acres in size, a subdivision would have been exempt if the aggregate land area is 500 acres or less. However, the Committee felt this bill would inhibit the State's ability to address the cumulative impacts of development.