

# 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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Rep. Malachi Anderson

\* Denotes Chair

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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)  
HOLLOWAY  
DUTREMBLE D  
BEGLEY

COMMITTEE REPORT  
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have amended the "Overboard Discharge" law (PL 1987, c. 180). The bill would have replaced the existing licensing standards with a requirement that these private discharges be evaluated in the same manner as municipal wastewater discharges. The Department of Environmental Protection would have been precluded from requiring the use of holding tanks. The department could have denied relicensing applications from persons with poor compliance records and could have required annual testing of residential overboard discharges and weekly testing of commercial overboard discharges at the licensee's expense. The committee voted not to pass the bill in favor of LD 1187.

**LD 1092** An Act to Exempt Certain Lands Classified as Wetlands under Local Ordinances

LV/WD

SPONSOR(S)  
WHITCOMB  
DEXTER  
GOULD R A  
LORD

COMMITTEE REPORT  
LV/WD

AMENDMENTS ADOPTED

SUMMARY

This bill would have exempted from state-mandated local zoning and subdivision regulation freshwater wetlands that are determined by a municipality to be of no benefit to wildlife, ground water replenishment, plant habitat or flood control. This determination would have been made by the municipality in its comprehensive plan.

**LD 1098** An Act to Provide Free Access to Any Impoundment Controlled by a Dam

ONTP

SPONSOR(S)  
CLARK H  
MICHAUD  
DUFFY  
PRAY

COMMITTEE REPORT  
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have granted the public a right-of-way on foot or by vehicle to any water impoundment in the State which was created by a dam authorized by State Government or Federal Government.

However, there were two constitutional problems with this bill. First, the public's right of access to a great pond involves only access by foot. Second, impoundments are considered private property and there is no guarantee of public access unless it is on a navigable waterway.