

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
114TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
ENERGY AND NATURAL RESOURCES

JUNE 1990

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**One Hundred and Fourteenth Legislature  
Second Regular Session**

**Joint Standing Committee  
Bill Summaries**

**June 1990**

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. 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 or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, 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.

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
PRAY	OTP-AM	S-480
MARTIN J		S-717    PEARSON
KANY		
MICHAUD		

**SUMMARY**

This resolve establishes the Commission to Study the Use of Herbicides. The commission will study the current use of herbicides in the State's forest industry and gather information on the effects of that use. Its final report will be made to the Legislature by December 1, 1990.

The committee amendment (S-480) changes the original resolve to add 2 additional members to the commission, specify that 2 public hearings will be held, allow the commission to draw on the staff of the Department of Conservation and the Pesticides Control Board, amend the appropriation to reflect the expanded membership and more clearly define the role of the commission.

A Senate amendment (S-717) limits the compensation of membership exclusively to legislative members of the commission.

LD 1846      **An Act to Require Mitigation for Land Use Violations within the Shoreland Zone**

PUBLIC 727

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
RICHARDS	OTP-AM	H-803
STEVENS P		
TUPPER		
TITCOMB		

**SUMMARY**

This bill, as amended by the committee (H-803), makes the mitigation of shoreland zoning violations mandatory except under circumstances in which mitigation would result in substantial injustice or hazard. It also corrects a conflict and changes economic benefit penalties from per-day assessments to a one-time assessment. The court is given discretion on whether to assess penalties for other violations on a per-day basis.

LD 1874      **An Act to Correct the Subdivision Laws**

PUBLIC 772

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MICHAUD	OTP-AM	H-843
DEXTER		
HOGLUND		

**SUMMARY**

This bill, as amended by the committee (H-843), stipulates that the placement or construction of 3 or more dwelling units on a lot within the jurisdiction of the Maine Land Use Regulation Commission requires subdivision review by the Commission. This action makes provisions for subdivision review under the Maine Land Use Regulation Commission consistent with provisions for local subdivision review in organized municipalities.

The bill clarifies that exemptions under municipal subdivision are not available to a transferor whose

primary purpose is to avoid subdivision review through a gift to a family member. The committee amendment also requires that a lot exempt from subdivision review because it was a gift to a family member that is subsequently sold or transferred to a person who is not a family member of the original donor, within 5 years of that gift, lose the exemption and become subject to subdivision review.

**LD 1879 An Act to Promote Sound Capital Investment As Part of Local Growth Management Programs**

**PUBLIC 631**

**SPONSOR(S)**

MICHAUD  
COLES

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-737

**SUMMARY**

This bill, as amended by the committee (H-737), establishes a Municipal Growth Management and Capital Investment Fund to assist towns and cities to build the public facilities, including roads, water supply and other items, needed to accommodate growth and economic development. Implementation of this bill is contingent upon passage of a general revenue bond issue. The companion bond legislation was not enacted during this session. The fund is administered by the Department of Economic and Community Development with the advice of the Planning Advisory Council. All municipalities with certified local growth management programs are eligible for grants. Municipalities with higher than average property tax burdens or with rapid growth rates will receive priority. Regional projects will also receive priority.

**LD 1893 An Act to Revise the Asbestos Certification Law**

**PUBLIC 630  
EMERGENCY**

**SPONSOR(S)**

CAHILL P  
SMALL  
CLARK N  
HOLT

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

S-473

**SUMMARY**

This bill, as amended by the committee (S-473), allows in-house asbestos abatement units to continue asbestos abatement activities provided that training requirements and abatement activities are consistent with those required of all other asbestos abatement professionals. A license fee equal to that required of asbestos abatement contractors is imposed on in-house asbestos abatement units. The removal quantities for notification fee exemptions are made consistent with the quantities for notification exemptions.

In addition, this bill, as amended, allows federal contractors with in-house asbestos abatement units to train workers to perform asbestos removal pending approval of their training programs by the commissioner.

**LD 1917 An Act to Abate Nonpoint Source Pollution from Road Runoff**

**ONTP**

**SPONSOR(S)**

COLES  
MILLS  
LORD  
KANY

**COMMITTEE REPORT**

ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have required the Department of Transportation and the Department of Environmental