

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
114TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

JUNE 1990

MEMBERS:

*Sen. Judy C. Kany
Sen. Edgar E. Erwin
Sen. Margaret G. Ludwig

*Rep. Michael H. Michaud
Rep. Paul F. Jacques
Rep. James Mitchell
Rep. James Reed Coles
Rep. Annette M. Hogleund
Rep. Richard A. Gould
Rep. P. Kelley Simpson
Rep. Edward L. Dexter
Rep. Willis A. Lord
Rep. Malachi Anderson

Staff:

Gro Flatebo, Legislative Analyst
Tim Glidden, Principal Analyst

Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207) 289-1670

*Denotes Chair

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, PRINCIPAL ANALYST
JULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
GILBERT W. BREWER
TODD R. BURROWES
GRO FLATEBO
DEBORAH C. FRIEDMAN
JOHN B. KNOX



PATRICK NORTON
HARTLEY PALLESCHI
MARGARET J. REINSCH
PAUL J. SAUCIER
JOHN R. SELSER
HAVEN WHITESIDE
JILL IPPOLITI, RES. ASST.
BARBARA A. MCGINN, RES. ASST.
BRET A. PRESTON, RES. ASST.

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

**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.

SPONSOR(S)TITCOMB
SIMPSON
LORD
GREENLAW**COMMITTEE REPORT**

LV/WD

AMENDMENTS ADOPTED**SUMMARY**

This resolve would have required the Commissioner of Environmental Protection, in conjunction with the Commissioner of Inland Fisheries and Wildlife, to establish a maximum water elevation for Sebago Lake to fluctuate in accordance with the annual pattern established over the 40-year period between the years 1939 to 1978.

LD 2214 **An Act to Clarify the Role of the Board of Environmental Protection (Reported Pursuant to a Study Authorized by the Legislative Council)**

PUBLIC 890

SPONSOR(S)**COMMITTEE REPORT**

OTP-AM

AMENDMENTS ADOPTEDH-1040 MICHAUD
H-950
S-716 PEARSON**SUMMARY**

This bill incorporates the recommendations of the 1989 Subcommittee to Evaluate the Board of Environmental Protection, convened by the Legislative Council. It provides staff for the Board of Environmental Protection to develop an independent decision-making capacity.

In addition, the bill clearly delineates the functions of the board and Commissioner of Environmental Protection. This bill makes the commissioner responsible for all administrative matters, enforcement matters and routine licensing. The board hears appeals of the commissioner's decisions, decides precedent-setting applications and has final authority over the settlement of enforcement actions. Finally, a variety of smaller changes recommended by the subcommittee are incorporated.

Part A of the committee amendment (H-950) amends the original bill in several ways.

1. The purpose statement is redefined.
2. A requirement for the board to accept public comment on proposed rule revisions is removed.
3. Requirements for specific processing times are removed and replaced with language directing the department to make license and permit decisions as expeditiously as possible.
4. The reconsideration section is amended to incorporate standards for the addition of new information to the record.
5. A requirement for a department-wide data base is delayed.
6. A comment period on rules submitted to the board by the commissioner is removed.
7. Coordination and assistance procedures for the commissioner are amended.
8. A requirement that all department decisions be sent by certified mail is changed to require that only denials be sent certified.

9. The provision requiring administrative consent agreements to be open to public comment is changed to allow comment only at the board's discretion; and

10. Rule-making requirements for the board are delayed by up to one year.

In addition, there are several minor changes. Part B of the amendment clarifies the role of the commissioner and the board throughout the Maine Revised Statutes Annotated, Title 38 and transfers some functions from the board to the commissioner.

A House amendment (H-1040) adds transition language to continue the board's current membership and to clarify the application of these changes. This amendment also provides for hearing and notice provisions for adoption of municipal shoreland zoning ordinances by the Department of Environmental Protection.

A Senate amendment (S-716) removes a proposed increase in compensation for board members, establishes the Board of Environmental Protection Fund and replaces the appropriation section and fiscal note.

**LD 2221 An Act to Make Recommendations on the Governance of the
Mackworth Island Public Trust Lands**

**P & S 113
EMERGENCY**

SPONSOR(S)

ADAMS
REED
JOSEPH
ESTY

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-909

SUMMARY

Mackworth Island, the former summer home of the Baxter family, was donated to the State as a public trust land by Governor Percival Baxter in 1943. In 1953, Governor Baxter donated funds for a school for the deaf on the island, later named the Governor Baxter School for the Deaf in his honor.

The original bill proposed to clarify the relationship between the school and the management of the island and established a permanent advisory board to oversee the island's use and management.

The committee amendment (H-909) requires the Department of Educational and Cultural Services and the Bureau of Public Lands to develop a draft management plan that includes recommendations to the Legislature concerning the governance and management of the Mackworth Island public trust. A Mackworth Island Public Trust Advisory Board is established to review the recommendations and options developed as part of this plan. The department and the bureau will report their findings and recommendations to the Joint Standing Committee on Energy and Natural Resources by January 10, 1991.

Temporary rule-making authority is granted to the Department of Educational and Cultural Services to manage the impact of public use of the island on the Governor Baxter School for the Deaf. Dogs are temporarily restricted during certain times of the year on the island.