

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES**

AUGUST 1991

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION
JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1991**

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<i>Action incomplete when 1st session ended</i>

These summaries were 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.

If you have any suggestions or comments on these summaries, please let us know.

Joint Standing Committee on Energy & Natural Resources

LD 2 An Act Concerning Open Burning

**PUBLIC 36
EMERGENCY**

SPONSOR(S)
MICHAUD
KANY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-41

SUMMARY

The original bill would have reestablished the open burning laws in Title 38 which were repealed in 1989.

The committee amendment (H-41) strikes the original bill to enact provisions regulating open burning in Title 12. This new section of Title 12 restores the authority and responsibility of the Maine Forest Service to enforce open burning restrictions and to issue permits and conditional permits in accordance with rules of the Department of Environmental Protection and other agencies.

LD 3 An Act to Allow Relicensing of an Existing Biomedical Waste Facility

**PUBLIC 297
EMERGENCY**

SPONSOR(S)
LUDWIG
PRAY
CARPENTER
JACQUES

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-162

SUMMARY

This bill changes the effective date of existing law by 5 days to allow an existing licensed and operating biomedical waste disposal facility to be relicensed. A cloud on the relicensing of Maine's sole existing biomedical waste disposal facility was inadvertently created by the enactment of Public Law 1989, chapter 869. No other substantive provision of law is changed nor is it the intent of the Legislature to affect with this legislation the existing prohibition on the development of new commercial biomedical waste disposal facilities. Committee amendment "A" (S-162) adds the requisite fiscal note.

LD 15 An Act to Clarify the Waste Transfer Station Setback Requirements

PUBLIC 43

SPONSOR(S)
MICHAUD
JACQUES

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-42

SUMMARY

This bill proposed to amend the law concerning solid waste transfer stations so that transfer station setback requirements applied only to abutting residential property boundaries.

Committee amendment "A" (H-42) replaced the bill. The amendment establishes setback requirements for handling sites at new waste transfer stations. The setback requirements are effective on January 1, 1992 and are applicable to any transfer station permit or license application received after that date.

Under the committee amendment, approval of handling site locations at new transfer stations on islands is determined by the Department of Environmental Protection on a case-by-case basis. For island sites, the

department must ensure that the proposed handling site location is reasonable and minimizes any adverse impact on island residents. Handling sites not on islands may not be within 250 feet of any abutting boundary, unless the Department of Environmental Protection determines the abutting property to be a conforming use. If the abutting property is a conforming use, the handling site may be closer to the boundary, but not within 250 feet of any permanent structure on that property.

The Department of Environmental Protection is required to adopt rules by January 1, 1992 that define abutting property uses that qualify as "conforming uses."

LD 63 An Act Concerning Capital Improvements and Impact Fees PUBLIC 18

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
RICHARDS	OTP-AM	H-22
BUTLAND		
HASTINGS		

SUMMARY

The bill proposed to clarify municipal authority to impose impact fees to recoup the costs of capital improvements or facility expansions necessitated by new developments.

Committee Amendment "A" (H-22) replaced the bill. The amendment clarifies the definition of "impact fees" contained in the bill, allows a municipality to assess impact fees for up to 100% of the cost of an infrastructure improvement and allows a municipality to assess an impact fee for the costs of infrastructure improvements constructed prior to the new development, provided that the impact fee assessed is reasonably related to the percentage of the infrastructure used by the development.

LD 72 An Act Regarding the Forestry, Natural Habitat, Water ONTP
Quality and Environmental Impacts of Pesticide Use (Reported
by the Commission to Study the Use of Herbicides Pursuant to
Resolve 1989, chapter 98 - Majority Report)

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
	ONTP	

SUMMARY

This bill was the majority report of the Commission to Study the Use of Herbicides, established by Resolve 1989, chapter 98. The bill would have prohibited the sale of produce treated with pesticides banned in Maine; increased penalties for pesticide violations; required the Department of Transportation and utilities to pay municipalities avoided costs when entering into no-spray agreements; required research into agricultural, forestry and right-of-way alternatives to pesticide use; required ground water protection planning; established a pesticide ground water monitoring fund; amended the State's pesticide regulatory policy; changed the membership of the Board of Pesticides Control; established procedures for suspending and removing members who violate pesticide regulations; required pesticide applicators to report to the board; required the board to report biennially to the Legislature; required training and certification of pesticide users; and repealed the exemption for pesticide dealer reporting of pesticides sold in small containers.