

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
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

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

AUGUST 1991

Staff:
Tim Glidden, Principal Analyst
Gro Flatebo, Legislative Analyst
Patrick Norton, Legislative Analyst

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

MEMBERS:

**Sen. Bonnie L. Titcomb*
Sen. John E. Baldacci
Sen. Margaret G. Ludwig

**Rep. Paul F. Jacques*
Rep. James Mitchell
Rep. James Reed Coles
Rep. Annette M. Hoglund
Rep. Richard A. Gould
Rep. P. Kelley Simpson
Rep. Basil L. Powers
Rep. Willis A. Lord
Rep. Malachi Anderson
Rep. John F. Marsh

**Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
ULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
RON CLARK
RYAN M. DYTTER
BRO FLATEBO
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
KANE ORBETON



KAREN L. HRUBY
JILL IPPOLITI
JOHN B. KNOX
PATRICK NORTON
MARGARET J. REINSCH
PAUL J. SAUCIER
HAVEN WHITESIDE
MILA M. DWELLEY, RES. ASST.
ROY W. LENARDSON, 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 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.

definition that existed prior to the Second Regular Session of the 114th Legislature. The change would also have allowed the sale of beverages in containers composed only of metal foil and plastic and would have amended the definition of the term "beverage container" to change the maximum size from one gallon to 4 liters. Beverages sold in 4-liter containers would have been subject to the bottle deposit laws.

LD 296 An Act to Allow Persons with Medical Problems to Purchase Beverages in Aseptic Containers ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GRAHAM LUDWIG DUPLESSIS GURNEY	ONTP	

SUMMARY

This bill would have allowed persons with medical problems to apply for an exemption to the ban on aseptic or composite material beverage containers within the State. These persons would then be able to mail order beverages in aseptic containers from out-of-state.

LD 302 An Act Regarding Clear-cutting of Wood LV/WD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ROTONDI WEBSTER	LV/WD	

SUMMARY

This bill proposed to decrease the amount of standing timber that must be left on a harvested site before the site is categorized as a clear-cut.

LD 331 An Act to Discourage the Improper Disposal of Tires ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
FARNSWORTH	ONTP	

SUMMARY

This bill would have prohibited the disposal of tires except by tire retailers or wholesalers.

LD 335 An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission PUBLIC 306

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GOULD R A ANDERSON	OTP-AM	H-329

SUMMARY

Prior to the passage of this bill, the definition of "subdivision" included the creation of a lot of 40 acres or larger in size when the lot from which it was divided is located within a shoreland area. The original bill proposed to amend that definition to provide that a subdivision does not include the creation of a lot that is 40 acres or larger in size except when the lot that is created is within the shoreland area.

The committee amendment (H-329) changes the original bill to specify that lots greater than 40 acres created more than 1/4 mile from waterbodies are exempt from review by the Maine Land Use Regulation Commission. These lots are still subject to an existing 10-lot trigger for review. This amendment also requires that plans creating lots subject to this exception must be certified by the commission as meeting these conditions before they can be filed with the appropriate registry of deeds. The commission is required to make that certification within 15 days. The amendment also adds a fiscal note to the bill.

LD 340 An Act Concerning Commercial Landfill Facilities ONTP

SPONSOR(S) HANLEY	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
-----------------------------	---------------------------------	---------------------------

SUMMARY

This bill would have required new commercial landfill facilities to give its land to the State in exchange for a lease arrangement that would allow the owners to operate a commercial landfill facility. It also would have prohibited more than 10% of a landfill's capacity from being used for the disposal of imported solid waste.

LD 343 An Act to Facilitate Municipal Road Reconstruction ONTP

SPONSOR(S) LORD BAILEY R	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
---------------------------------------	---------------------------------	---------------------------

SUMMARY

This bill would have exempted the maintenance of roads by a municipality from permits required under the natural resource protection laws, the site location of development laws and the mandatory shoreland zoning laws. Road maintenance performed by municipalities would have been exempt as long as the municipality stayed within the bounds of the right-of-way.

LD 358 An Act to Ensure Safe Removal of Underground Oil Storage Tanks PUBLIC 88

SPONSOR(S) BRANNIGAN HOGLUND COLES SIMPSON	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED S-48
---------------------------------------------------------------	-----------------------------------	-----------------------------------

SUMMARY

The bill requires that, when underground tanks are being removed, the flammable gases purged from the tanks and from the trucks that will remove oil from the tanks be vented at least 12 feet above ground level to avoid explosions.

The bill also requires that the removal of underground oil storage tanks that hold Class 1 liquids, including gasoline, be directly supervised by the appropriate professional. Professional firefighters who perform this service must do so in their official capacity and not as an off-the-job enterprise.

The committee amendment (S-48) changes the bill to require firefighters that are supervising the removal of an underground oil storage tank to be certified by the Commissioner of Environmental Protection. It also requires firefighters supervising tank removals to get authorization from the town with which they