

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.

LD 805 An Act to Put a Moratorium on the Closing of Landfills ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GRAY LORD GOULD R A MILLS	ONTP	

SUMMARY

This bill would have established a 2-year moratorium on landfill closures required by the Board of Environmental Protection.

LD 807 An Act to Amend the Law Relating to Road Dust PUBLIC 138

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LORD LUDWIG TITCOMB GOULD R A	OTP-AM	H-141

SUMMARY

This bill would have created an exemption for unpaved municipal roads from the nuisance provision in the Maine Revised Statutes, Title 38, section 592-A.

The bill also would have required the Board of Environmental Protection to adopt rules concerning the nuisance provision to place the burden of proof on the complaining party.

The committee amendment (H-141) replaces the original bill to exempt public and private roads not part of a commercial and industrial source or facility from fugitive dust emission controls. The original bill only exempted municipal roads. The provisions requiring the complaining party to bear the burden of proof are removed.

LD 835 An Act to Establish Equitable Environmental Relicensing Fees ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GOULD R A	ONTP	

SUMMARY

This bill would have provided for a \$25 processing fee for the relicensing of projects under the Maine Environmental Protection Fund if certain conditions were met.

LD 838 An Act to Allow Reconstruction of Structures Destroyed by Acts of God LV/WD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MITCHELL J CLARK N AULT POWERS	LV/WD	

SUMMARY

This bill would have exempted from permitting requirements the rebuilding of nonconforming structures

destroyed by an Act of God within the jurisdiction of the Maine Land Use Regulation Commission provided that the new structure covered the same dimensions on the ground.

LD 840 An Act to Provide Greater Public Input into Public Lands Management

PUBLIC 192

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MITCHELL J POWERS TITCOMB JACQUES	OTP-AM	H-190

SUMMARY

The original bill would have required adoption of Bureau of Public Lands management plans under the Maine Administrative Procedure Act and undedicated the bureau's funds. The committee amendment (H-190) replaces the original bill and requires the Joint Standing Committee on Energy and Natural Resources to approve the allocation of funds within the bureau's dedicated funds. It also requires the Director of the Bureau of Public Lands to study the concept of an advisory committee for the Bureau of Public Lands and to bring recommendations and implementing legislation to the Legislature in 1992. This amendment also adds a fiscal note.

LD 841 An Act to Facilitate Municipal Review of Commercial Hazardous Waste License Applications and the Collection of Municipal Fees Levied on Commercial Hazardous Waste Facilities

PUBLIC 205

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
NUTTING BERUBE ST. ONGE MITCHELL J	OTP-AM	H-217

SUMMARY

The original bill would have made a hazardous waste facility license void if the Department of Environmental Protection failed to give a 30-day notice to all interveners before the public hearing is held. The bill also would have given municipalities the right to request the Commissioner of Environmental Protection to audit a facility.

The committee amendment (H-217) changes the original bill to allow a municipality to audit a commercial hazardous waste facility within its jurisdiction to ensure compliance with any local ordinances that levy fees on the facility based on that facility's annual billings. It removes authority from the Commissioner of Environmental Protection to audit the facility for this purpose. The amendment makes payment of any locally-imposed fee a condition to issuing a license. The amendment also removes a retroactivity clause and adds a fiscal note to the bill.