

# 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:

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

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|------------|------------------|--------------------|
| GWADOSKY   | OTP-AM MAJ       | H-205 MAJ REP      |
| ANDERSON   | ONTP MIN         | S-320 TITCOMB      |
| GOULD R A  |                  |                    |

**SUMMARY**

This bill proposed to modify the law regarding a July 1, 1991 ban on the use of plastic rings or other plastic holding devices. The modification would have permitted the use of plastic holding devices that are easily broken upon use and decompose by photodegradation, chemical degradation or biodegradation within a reasonable period of time.

Committee amendment "A" (H-205), which is the majority report of the Joint Standing Committee on Energy and Natural Resources, replaced the bill while incorporating much of its substance. This amendment clarifies the types of plastic holding devices that may be sold after July 1, 1991 and adds new language permitting the Commissioner of Agriculture, Food and Rural Resources to approve the sale of plastic holding devices that are experimental and that conform to the intent of the law. The commissioner is required to notify each member of the Joint Standing Committee on Energy and Natural Resources immediately upon receipt of a request for approval of an experimental device.

The committee amendment also adds an automatic repeal date to the bill that repeals, on July 1, 1992, the conditional permission to sell any product connected with plastic rings. After July 1, 1992, the sale of any product connected with any type of plastic holding device is prohibited. The amendment also requires those persons who manufacture or distribute products sold in containers connected with plastic holding devices to report to the committee by March 15, 1992 on education and product development efforts and allows the committee to report out a bill on plastic holding devices subsequent to that report.

This bill, as amended, also repeals an identical ban placed in the environmental laws under the Maine Revised Statutes, Title 38, section 1607 in order to give sole enforcement jurisdiction to the Department of Agriculture, Food and Rural Resources, which is currently responsible for enforcement of the State's beverage container laws.

Senate amendment "A" (S-320) removed the bill's emergency preamble.

**LD 846****An Act Concerning Training and Certification of Code Enforcement Officers**PUBLIC 163  
EMERGENCY

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|------------|------------------|--------------------|
| RICHARDS   | OTP-AM           | H-183              |
| PLOURDE    |                  |                    |
| TARDY      |                  |                    |
| VOSE       |                  |                    |

**SUMMARY**

This bill proposed several changes to the law governing training and certification for code enforcement officers.

Committee amendment "A" (H-183) replaced the bill. Under current law, after January 1, 1993, a municipality may not hire a person to work as a code enforcement officer unless that person is certified by the Office of Comprehensive Land Use Planning. Under this amendment, a person employed by a municipality as a code enforcement officer for at least 3 years prior to January 1, 1990 is exempt from

this requirement for purposes of certification. The amendment adds a new section setting forth the duties of code enforcement officers, excluding the requirement in existing law that code enforcement officers be responsible for enforcement of electrical codes. The examination requirements for recertification of code enforcement officers are repealed and replaced with automatic recertification, without reexamination, of code enforcement officers that meet minimum continuing education requirements. The amendment also makes several technical and grammatical changes to the bill.

**LD 858      Resolve, to Extend the Reporting Date of the Commission to      LV/WD**  
**Study the Feasibility of Establishing a Piscataqua River**  
**Basin Compact Between Maine and New Hampshire**

| SPONSOR(S)        | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|------------------|--------------------|
| ESTES<br>LAWRENCE | LV/WD            |                    |

**SUMMARY**

This resolve would have extended the reporting deadline for the Commission to Study the Feasibility of Establishing a Piscataqua River Basin Compact between Maine and New Hampshire from November 1, 1990 to February 1, 1991.

**LD 866      An Act to Develop Integrated, Long-range, Ecologically Sound      ONTP**  
**State Energy and Transportation Policies**

| SPONSOR(S)                                 | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|--|------------------|--------------------|
| SIMONDS<br>HEESCHEN<br>MARSH<br>MITCHELL J | ONTP             |                    |

**SUMMARY**

This bill would have included transportation planning, goals for the reduction of fossil fuel consumption and environmental impact analyses in the biennial State's comprehensive energy resources plan prepared by the State Planning Office.

**LD 869      An Act to Clarify the Definition of Subdivision in the Site      ONTP**  
**Location of Development Laws**

| SPONSOR(S)                   | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|------------------------------|------------------|--------------------|
| LORD<br>CASHMAN<br>GOULD R A | ONTP             |                    |

**SUMMARY**

Under this bill, the recording of a plot plan or survey in the applicable registry of deeds would have constituted a division of a parcel of land into the lots depicted on the plan. The further sale, lease or development of any lot as a whole would not have constituted a further division. With respect to any lot depicted on the plan, the 5-year period referred to in the Maine Revised Statutes, Title 38, section 482, subsection 5 would have commenced upon the recording of the plot plan or survey.