

# 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



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

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.

**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)**  
 ANDERSON  
 GOULD R A

**COMMITTEE REPORT**  
 OTP-AM

**AMENDMENTS ADOPTED**  
 H-416

**SUMMARY**

This bill makes several technical and substantive changes to the mandatory shoreland zoning laws. It withdraws forested wetlands from the class of freshwater wetlands that municipalities are required to regulate under shoreland zoning and clarifies that streams flowing to any shoreland zoned water body or wetland, as well as those becoming rivers, are regulated.

The bill requires that municipalities be notified by the commissioner before minimum guidelines are imposed. The requirement for a hearing in every case is removed. A new provision allows local planning boards to exceed the 40% limitation on cutting in the Maine Revised Statutes, Title 38, section 439-A, subsection 5, paragraph A, if certain requirements are met. The bill also changes the annual reporting requirement for municipalities to a biennial one.

The committee amendment (H-416) repeals a requirement for each municipality to submit a copy of each variance request to the Commissioner of Environmental Protection. It also stipulates that any exception for timber harvesting be carried out in accordance with the purposes of shoreland zoning. The amendment also adds a fiscal note to the bill.

**LD 1001 An Act to Authorize the Board of Environmental Protection to Adopt Rules Relating to the Proximity of Solid Waste Facilities to Property Boundaries on Islands**

LV/WD

**SPONSOR(S)**  
 HOGLUND

**COMMITTEE REPORT**  
 LV/WD

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have required the Board of Environmental Protection to establish less stringent municipal solid waste transfer station setback requirements for islands and to provide for variances from the established setback.

**LD 1002 An Act to Clarify the Water Quality Standards for Existing Hydroelectric Facilities**

LV/WD

**SPONSOR(S)**  
 HOGLUND  
 PRAY  
 ANDERSON  
 MARSH

**COMMITTEE REPORT**  
 LV/WD

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have changed the standards protecting water quality in impoundments by limiting regulatory review to the chemical aspects of water quality and eliminating consideration of the designated uses of the water quality classification in question. The bill would have also eliminated consideration of aquatic life and habitat standards within an impoundment so long as those standards were met above and below the impoundment.