

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.

LD 1431

An Act to Allow Consumer-owned Water Utilities to Replace Malfunctioning Wastewater Disposal Systems under Certain Circumstances

PUBLIC 467

SPONSOR(S)
JACQUES
LORD

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-516

SUMMARY

This bill would have required the Department of Human Services to inspect and certify all wastewater disposal systems surrounding public drinking water supplies before filtration of the water supply could be required. Wastewater disposal systems that were not operating effectively or were not maintained would be referred to the municipal officers to remedy the malfunction. Certification of a properly operating system would have to have been recorded by the landowner on the deed of a parcel.

The Committee amendment (H-516) replaces the original bill with language allowing greater authority to consumer-owned water utilities to remedy malfunctioning wastewater disposal systems. Existing law governing the rights of water utilities to protect their source of water supply is repealed and reorganized into subsections.

The amendment also adds authority for a consumer-owned water utility to obtain a search warrant to inspect a malfunctioning wastewater disposal system through the Maine Rules of Civil Procedure, Rule 80E. In addition, a consumer-owned water utility may remedy the malfunctioning system if municipal officials have stated that they will not pursue the incident. The utility can recover its costs through a civil action.

LD 1432

An Act to Establish and Implement the Maine Nonpoint Source Pollution Control Program

PUBLIC 345

SPONSOR(S)
MARSH
COLES
TITCOMB

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-415

SUMMARY

This bill would have amended the State's water quality laws to include nonpoint source pollution and to implement the Maine nonpoint source pollution management program as required by the 1987 amendments to the federal Clean Water Act. The program would have identified water resources needing immediate protection from nonpoint source pollution, developed best management practices for control of nonpoint source pollution, developed model comprehensive planning and ordinance information for use by municipalities and develop compliance monitoring mechanisms. State agencies would have been required to cooperate on an ongoing basis to carry out the provisions of this bill.

The Committee amendment (H-415) revises the bill to delete provisions for exemptions from water pollution discharge license requirements. The amendment also revises the provisions of the bill that direct various state agencies to develop best management practice guidelines for activities that may affect water quality. All requirements under this program are made voluntary. The report by the Commissioner of Environmental Protection to the Legislature is expanded to include recommendations on possible exemptions for waste discharge licensing requirements. The amendment also adds a fiscal note to the bill.