

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
ENERGY AND NATURAL RESOURCES

MAY 1992

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1992**

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 far right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	Chapter # of enacted Public Law
P&S XXX	Chapter # of enacted Private & Special Law
RESOLVE XXX	Chapter # of enacted Resolve
CON RES XXX	Chapter # of Constitutional Resolution passed by both Houses
EMERGENCY	Enacted law takes effect sooner than 90 days
CARRIED OVER	Bill carried over to Special Session
ONTP	Ought Not to Pass report accepted
LVWD	Leave to Withdraw report accepted
INDEF PP	Bill Indefinitely Postponed
FAILED EMERGENCY ENACTMENT	Emergency bill failed to get 2/3 vote
DIED BETWEEN BODIES	House and Senate disagree; bill died
CONF CMTE UNABLE TO AGREE	Committee of Conference formed but unable to agree
VETO SUSTAINED	Legislature filed to override Governor's Veto
UNSIGNED	Not signed by Governor within 10 days
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died

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, especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

Part C establishes the Technical and Environmental Assistance Program within the Department of Environmental Protection. The Pollution Prevention Advisory Committee is established, consisting of the members of the former Toxic Reduction Advisory Committee, which is abolished in this amendment. Three new voting members are added to the advisory committee: 2 persons selected by the Governor from elected or appointed municipal officials and the Commissioner of Environmental Protection or the commissioner's designee. The duties of the Pollution Prevention Advisory Committee include the duties of the former Toxic Reduction Advisory Committee. The committee is also charged with advising the commissioner on the functioning of the Technical and Environmental Assistance Program and reviewing the functions and programs administered by the Office of Pollution Prevention.

Part D requires the Maine Land Use Regulation Commission to prepare maps of freshwater wetlands within the jurisdiction of the Maine Land Use Regulation Commission and to report to the joint standing committee of the Legislature having jurisdiction over energy and natural resources matters on those efforts by March 1, 1993. Part D also adds an appropriation section.

**LD 1513      An Act Relating to Best Practicable Treatment Determinations      PUBLIC 658**  
**in Air Emission Licensing**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
GOULD R A LUDWIG THERIAULT ANDERSON	OTP-AM	H-907

**SUMMARY**

This bill was carried over from the first session of the 115th Legislature. Current law requires an air emissions source undergoing license renewal to provide the Department of Environmental Protection with an analysis of emission control options to enable the department to make a best practicable treatment finding. This bill proposed to define best practical treatment as emissions that are being controlled in a manner consistent with similar sources if additional controls are not necessary to meet emission limits or ambient air quality standards. This bill also would have blocked the use of a fuel with a lower sulfur content than required by statute as a "best practicable treatment" option.

The committee amendment (H-907) strikes the original bill. It repeals the existing statutory air emission licensing language, enacts a reorganization of that language and modifies the requirement for a best practical treatment evaluation. This amendment exempts air emission sources from this evaluation if the existing air pollution control equipment was originally licensed less than 15 years prior to the date of relicensure or if the source is being controlled consistent with other emission sources of similar age and design unless other situations detailed in this amendment trigger a need for analysis.

This amendment also clarifies that the Department of Environmental Protection can require operational and other pollution-mitigating measures on an emission source as a condition of relicensure. The committee amendment also adds a fiscal note to the bill.

**LD 1540      An Act to Improve Coordination of Municipal and State Review      ONTP**  
**of Environmental Permits**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LUDWIG GOULD R A	ONTP	

**SUMMARY**

This bill would have allowed the Commissioner of Environmental Protection to review municipal

comprehensive plans and land use regulations to determine if they offer protection consistent with the standards of the natural resource protection laws and the site location of development laws. If so, the commissioner would have been permitted to substitute the municipal review and permit for Department of Environmental Protection review.

**LD 1551 An Act to Supplement State Environmental Enforcement**

ONTP-MAJ REP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>
COLES	ONTP	MAJ	
MARSH	OTP-AM	MIN	
TREAT			

**SUMMARY**

This bill was carried over from the first session of the 115th Legislature. It would have allowed a Maine resident to initiate an enforcement action for an alleged violation of laws protecting the environment and the State's natural resources under certain circumstances.

An amendment (H-911), which was the minority report of the Joint Standing Committee on Energy and Natural Resources, would have exempted nuisance complaints about agricultural activities from the provisions that authorize a citizen to commence a civil action under the bill. The amendment also would have prohibited an action if the entity that administers the law determines there is no violation. The amendment also added an appropriation section and a fiscal note to the bill.

**LD 1832 An Act Allowing Municipalities to Grant Limited Set-back Variances for Single-family Dwellings**

PUBLIC 659

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LORD	OTP-AM	H-901
ANDERSON		H-909 LORD
JACQUES		
TITCOMB		

**SUMMARY**

The bill would have allowed municipal zoning boards of appeals to grant dimensional variances if the petitioner demonstrated "practical difficulty". To meet the practical difficulty standard, the property owner would have been required to show that strict application of an ordinance would prevent the owner from using the property for a purpose otherwise allowed. The property owner would also have been required to show that the variance would not reduce the value or impair the use of abutting property and would not conflict with the general purpose of the ordinance, would ensure that the public safety and welfare is protected and would not conflict with the municipality's comprehensive plan.

Committee amendment "A" (H-901) replaced the entire bill and changed the title of the bill. This amendment allows municipalities to adopt ordinances that permit zoning boards of appeal to grant limited variances from set-back requirements for occupied year-round single-family dwellings. Under this amendment, a municipality may allow set-back variances to be granted for up to 20% of a set-back requirement if the need for the variance is due to the unique circumstances of the property, if granting the variance does not alter the essential character of the locality or substantially reduce or impair the use of abutting property, if the hardship is not the result of action taken by the applicant or a prior owner of the property and if there is no other feasible way to accomplish the goals sought by the person requesting the variance.

House amendment "A" (H-909) amends the committee amendment to restrict the granting of a set-back variance to instances of demonstrated need, rather than the convenience of the petitioner. This