

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

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

MAY 1992

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*

Staff:

*Tim Glidden, Principal Analyst
Patrick Norton, Legislative Analyst
Gro Flatebo, Legislative Analyst*

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

IARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
ULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
DON CLARK
YAN M. DYTTER
BRO FLATEBO
EBORAH 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
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.

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

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
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 1632 An Act Allowing Municipalities to Grant Limited Set-back Variances for Single-family Dwellings

PUBLIC 659

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
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