

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.

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 1832 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

amendment also amends the disability variance provisions of the Maine Revised Statutes, Title 30-A, section 4353 to clarify that the definition of a structure providing a disabled person with access to or egress from a dwelling includes railing, wall or roof systems necessary for the safety or effectiveness of the structure.

LD 2016 An Act Concerning Continuous Emission Monitoring Devices LV/WD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
VOSE ANDERSON	LV/WD	

SUMMARY

This bill would have provided that continuous emission monitoring devices are considered in use during periods of nonoperation provided that calibration audit and preventive maintenance services are being conducted in accordance with a quality assurance plan submitted to the department.

This bill also proposed that nonoperation of a continuous emission monitoring device due to equipment malfunction would not subject a person to penalties if the period of nonoperation does not exceed 10% of source operating time. Under the bill, periods of noncompliance due to unavoidable malfunctions in excess of 10% of source operating time would be exempt from penalty at the discretion of the department.

This bill also would have required the Department of Environmental Protection to respond to licensees who have submitted requests for exemptions from penalty due to equipment malfunctions.

LD 2021 An Act to Clarify the Water Quality Definitions for Impoundments ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CLARK H GOULD R A ANDERSON LUDWIG	ONTP	

SUMMARY

State water quality law defines the level of permissible impact on water quality, in part, through the use of narrative descriptions of habitat and aquatic life typical of each class of water. By amending certain key definitions, this bill would have precluded the application of these narrative standards to "impoundments", including hydropower impoundments, with water quality classifications of GPA, A or B. See also LD 2159.

LD 2039 An Act to Clarify the Status of Wood Yard Debris PUBLIC 643

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
JACQUES	OTP-AM	H-891

SUMMARY

This bill would have excluded unprocessed bark and dirt from wood processing mill yards from the definition of solid waste.

Committee amendment "A" (H-891) replaced the entire bill. The amendment exempts soil that contains incidental bark or woody material generated during the transport, handling or storage of logs prior to