

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES**

AUGUST 1991

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**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 1832 An Act Allowing Zoning Boards of Appeal to Grant Dimensional
Variances Based On Practical Difficulty**

CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LORD		
ANDERSON		
JACQUES		
TITCOMB		

SUMMARY

Current law strictly limits the authority of a municipal zoning board of appeals to grant variances. A zoning board may grant a variance only if strict application of an ordinance causes undue hardship to the property owner. To prove undue hardship, a property owner must show that the ordinance prevents the property owner from realizing any reasonable return on the property.

This bill would allow municipal zoning boards of appeals to grant dimensional variances if the petitioner can demonstrate "practical difficulty." To meet the practical difficulty standard in the bill, the property owner must show that strict application of an ordinance prevents the owner from using the property for a purpose otherwise allowed. The property owner must also show that granting the variance does not reduce the value or impair the use of abutting property in the zone and does not conflict with the general purpose of the ordinance, that the public safety and welfare is protected and that the variance does not conflict with the municipality's comprehensive plan.

**LD 1846 An Act to Amend the Maine Environmental Protection Fund Fee
Schedule**

LV/WD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARSH	LV/WD	
ADAMS		

SUMMARY

This bill would have amended the Maine Environmental Protection Fund, or "MEPF," in order to provide the revenues needed to support water quality activities and programs administered by the Department of Environmental Protection. Waste discharge license fees would have been used to staff and operate the Department of Environmental Protection's water quality licensing program. Under this bill, effective July 1, 1991, the minimum annual waste water discharge fee would have been \$350.

**LD 1873 An Act to Correct Errors and Clarify Provisions in the Solid
Waste Laws**

**PUBLIC 517
EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LORD	OTP-AM	H-667
SPEAR		H-677 JACQUES
JACQUES		

SUMMARY

The original bill would have amended the solid waste laws enacted in 1989. The solid waste reduction investment tax credit would have been amended to clarify the eligibility of equipment and to establish a recapture provision for equipment that is held for less than 4 years. These changes would have been retroactive to January 1, 1990. The provisions were eliminated from the legislation by a floor amendment (H-677).

This bill adds a representative from the Maine Waste Management Agency to the Board of Trustees of the Maine Sludge and Residuals Utilization Research Foundation.

This bill, as amended by committee amendment "A" (H-667), clarifies the Maine Waste Management Agency's authority to enter private property without permission of owner, subject to the Maine Revised Statutes, Title 4, sections 179 and 180, which govern administrative search procedures.

This bill clarifies that the agency, rather than the Office of Waste Reduction and Recycling, adopts waste reduction goals and recommends revisions of the recycling goals to the Legislature.

This bill includes composting as an eligible activity for financial assistance, since it is considered a form of recycling and also extends eligibility for grant assistance to sanitary and sewer districts.

Finally, the bill amends the host community benefits section of the solid waste laws by clarifying that the water supply monitoring requirement applies to solid waste landfills.

Committee amendment "A" (H-667) provides additional authority to the Department of Environmental Protection for the control of tire stockpiles that pose environmental and public health problems. The Maine Waste Management Agency is also authorized to undertake a tire recycling program, subject to available funding.

The committee amendment includes county commissioners, as agents for the unorganized territory within their jurisdiction, in the group of local government officials that can form regional refuse disposal districts.

The committee amendment incorporates new fees on wastes imported into the State for disposal as a means to capture that fraction of the administrative and regulatory costs incurred by the State in the disposal of imported waste that is not covered by the general revenues paid by in-state generators.

The committee amendment also eliminates a portion of the Maine Waste Management Agency review process for commercial solid waste disposal facilities. The agency currently reviews proposals under its siting guidelines. The guidelines were developed primarily for the siting of new facilities. Expansions of various publically owned disposal facilities are already exempt from this review. The committee amendment in no way lessens the level of environmental review provided by the Department of Environmental Protection under current law.

The committee amendment also extends a deadline for the establishment of a household hazardous waste program by one year.

The committee amendment clarifies provisions of existing law to reemphasize the responsibility of the Maine Waste Management Agency to develop disposal facilities for municipal solid waste that is not being burned in waste-to-energy facilities.

Finally, the committee amendment adds the necessary allocation and fiscal note to the bill.

**LD 1880 An Act to Provide Tire Disposal Alternatives and Fund Waste
Management Programs**

ONTP

SPONSOR(S)
LORD

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have authorized programs to handle the existing and ongoing problem of waste tire disposal and provides new revenues to support existing waste management programs and the landfill siting