

# 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.

Natural Resources. The bill also would have abolished the existing Board of Environmental Protection and replaced it 3-member professional board.

**LD 2159**      **An Act Related to Hydropower Relicensing Standards**

PUBLIC 813

**SPONSOR(S)**

PRAY  
HOGLUND  
LUDWIG  
LORD

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

S-752

**SUMMARY**

This bill, as replaced by Committee amendment "A" (S-752), changes the standards used to evaluate the water quality impact of hydropower facilities on the aquatic life and habitat of the impounded and certain downstream waters. These evaluations occur in two procedural situations. The first is the state certification of water quality under section 401 of the federal Clean Water Act at hydroelectric facilities being relicensed by the Federal Energy Regulatory Commission. The second is state licensing of any modifications of any existing hydroelectric facility. Parts A, B and C deal only with existing facilities. Part D applies only to the licensing of new hydroelectric facilities. Part E deals only with the classification of specific water bodies.

Part A applies only to impoundments of existing facilities that are classified GPA, the great pond classification. The impoundments of this class that are subject to large water level fluctuations are required only to maintain the "structure and function" of the aquatic life currently in the impoundment and to maintain a level of water quality sufficient to support indigenous fish species. All other GPA impoundments at existing facilities must meet the aquatic life standard for Class C waters. Impoundments that meet the GPA requirements are not allowed to use the lower aquatic life standard provided by this Part.

Part B applies only to impoundments of existing facilities that are classified as A, B or C waters. Class A or B impoundments must meet the aquatic life standard for Class C waters. Impoundments that meet the requirements of their current classification are not allowed to use the lower aquatic life standard of Class C waters. Provision is made for consideration and possible implementation of changes in the operation of hydroelectric facilities on A, B or C water that would result in the improvement of aquatic life in the impoundment in certain limited situations.

Part C provides a Class C aquatic life standard for certain river stretches immediately downstream from several existing hydropower projects.

Part D of this bill clarifies the intent of the narrative standards provided in statute for habitat and aquatic life as those are applied to new hydropower projects. The purpose of this section is to clarify the existing statutes and to recognize that changes in habitat or aquatic life due to human activity may be consistent with the existing water quality standards provided that the resulting diversity and abundance of aquatic life and the composition of the resulting aquatic community meet the requirements of the applicable classification. Express provision is made that the Legislature intends no substantive change in the aquatic life or habitat standard of water quality law.

Part E of this bill makes classification changes on specific water bodies. These changes correct errors made in previous reclassifications. These include mainstem river impoundments mistakenly classified currently as great ponds and segments upgraded beyond attainable levels given existing discharges. This part also makes changes in the geographic definition of certain river stretches. In addition, the classification of Squa Pan Stream is changed from A to C. This change implements the results of an analysis conducted by the Department of Environmental Protection and Maine Public Service Company in consultation with the federal Environmental Protection Agency. Finally, this part provides for the

