

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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:

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

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

4693NRG

LD 100 An Act to Classify the Medomak River

PUBLIC 32

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BOWERS	OTP-AM	H-45

SUMMARY

This bill adds the Medomak River to the statutory classification of major river basins and gives a portion of the river the water quality classification of A.

The committee amendment (H-45) moves the boundary between the new Class A waters and the existing Class B waters upstream on the Medomak River to the Wagner Bridge Road in Waldoboro, Maine.

LD 102 An Act to Amend the Energy Policy of the State

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HOLT	ONTP MAJ OTP-AM MIN	

SUMMARY

This bill would have added environmental considerations to the list of factors considered by the Public Utilities Commission in least cost planning.

The minority report of the Joint Standing Committee on Energy and Natural Resources (H-30) would have appropriated \$100,000 in each fiscal year to the Public Utilities Commission for consulting and rulemaking activities related to the bill.

LD 103 An Act to Utilize Local Enforcement Mechanisms for Land Use Violations

PUBLIC 23

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
SPEAR	OTP-AM	H-28 H-39 JACQUES

SUMMARY

This bill would have prohibited the Department of Environmental Protection from investigating a complaint or allegation of a violation of a land use law or rule, including those pertaining to protected natural resources and shoreland zoning, unless the complaint or allegation is first referred back to the local code enforcement officer and the code enforcement officer then refers the matter back to the department. The bill would also have granted enforcement authority of the protected natural resources laws to local code enforcement officers.

Committee amendment "A" (H-28) replaced the bill. The amendment allows a certified code enforcement officer to enforce the natural resources protection laws if that person is authorized by a municipality to represent the municipality in District Court and is certified by the Commissioner of Human Services as familiar with court procedures. The Maine Rules of Civil Procedure, Rule 80K govern proceedings in District Court for prosecutions of land use violations and permit persons who are not attorneys to prosecute land use violations if they are authorized by the municipality and certified as being familiar with court procedures.

The amendment is permissive and does not require any municipal enforcement of the natural resource protection laws or any additional certification or training of code enforcement officers. The amendment does not limit or affect the ability or the duty of the Department of Environmental Protection to enforce environmental laws.

The amendment also encourages the department and municipalities that choose to exercise local natural resource protection laws enforcement authority to discuss options for resolving violations of those laws in a manner that ensures compliance with laws of the State while promoting cooperation between state and municipal government.

House amendment "A" (H-39) added a fiscal note to the committee amendment.

LD 105 An Act to Extend the Deadline for Municipal Adoption of Mandatory Shoreland Zoning Ordinances ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GRAY	ONTP	

SUMMARY

This bill would have extended the deadline for municipal adoption of mandatory shoreland zoning ordinances from July 1, 1992 to July 31, 1995.

LD 149 An Act to Foster Cooperative Legislative Oversight of Natural Resource Agencies ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GOULD R A	ONTP	

SUMMARY

This bill would have permitted the Energy and Natural Resources Committee to meet annually with the Departments of Conservation and Environmental Protection to discuss the departments' regulatory agendas, and would have required the commissioners and the chair of LURC to attend any such meeting that was scheduled.

LD 166 An Act to Exempt Public Schools From Air Emission License Fees ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CATHCART	ONTP	

SUMMARY

This bill would have exempted public schools from the air emissions license annual fee.

LD 171 An Act to Clarify the Application of Recent Increases in Annual Dam Registration Fees ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GOULD R A	ONTP	