

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

Staff:

*Tim Glidden, Principal Analyst
Patrick Norton, Legislative Analyst
Deborah Friedman, Legislative Analyst*

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

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DARLENE A. SHORES LYNCH, RESEARCHER
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL: (207) 287-1670
FAX (207) 287-1275

**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

SUMMARY

This bill would have prohibited clear-cutting of timber within one mile of a great pond.

LD 189 An Act to Facilitate Municipal Road Construction PUBLIC 315

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
LORD OTP-AM H-299

SUMMARY

This bill would have exempted the maintenance of roads by a municipality from permits required under the natural resource protection laws, the site location of development laws and the mandatory shoreland zoning laws, provided the municipality stayed within the bounds of the right-of-way.

Committee Amendment "A" (H-299) replaces the bill and limits the exemption to replacement of existing road culverts. Current law permits a person to replace an existing road culvert with a larger culvert without obtaining a shoreland zoning permit or a permit issued under the natural resources protection laws, provided the culvert meets certain conditions. This amendment repeals the condition that the new culvert may not be more than one standard culvert size larger than the existing culvert.

LD 206 An Act to Require Reimbursement of Fines or Penalties ONTP
Imposed on Municipalities by the Department of
Environmental Protection

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
CARON ONTP

SUMMARY

This bill would have required the Commissioner of Environmental Protection to reimburse a municipality for a civil or criminal fine or penalty imposed pursuant to Maine's environmental laws if the commissioner determines the municipality, within 2 years of the imposition of the fine or penalty, had corrected or taken corrective action to alleviate the condition that caused the fine or penalty to be imposed.

LD 207 An Act to Exempt Municipalities from Fines and Penalties ONTP
Imposed for Violations of Board of Environmental Protection
Rules

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
CARON ONTP

SUMMARY

This bill would have exempted municipalities from fines and penalties imposed for violations of rules adopted by the Board of Environmental Protection.

LD 216 An Act to Extend the Municipal Landfill Closure Mandate ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
FOSS ONTP

SUMMARY

This bill would have allowed the Commissioner of Environmental Protection to grant extensions to operate solid waste landfills currently used for the disposal of construction and demolition debris, land-clearing debris and wood wastes. The extensions could not extend beyond December 31, 1993 and would only have been allowed for municipalities that made a good faith effort to comply with all existing legal requirements.

LD 220 An Act to Amend the Shoreland Zoning Law

PUBLIC 196

SPONSOR(S)
LORD**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
H-335**SUMMARY**

This bill would have required that a shoreland zoning map be of a scale sufficient to identify parcel ownership and that such a map be adopted by the Board of Environmental Protection before an ordinance may be imposed on a municipality.

The committee amendment (H-335) replaces the original bill. The amendment allows a municipality to reduce to 75 feet the width of the shoreland zone around freshwater wetlands of low value, as determined by the Department of Inland Fisheries and Wildlife, provided that the municipality treats the outlet streams from all freshwater wetlands in the same manner as other streams are treated under the shoreland zoning laws. The amendment also adds a fiscal note.

LD 225 An Act Regarding Dam Registration Fees

PUBLIC 370

SPONSOR(S)
WENTWORTH**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
H-505**SUMMARY**

This bill would have repealed the current fee schedule for the annual registration of dams and directed the Board of Environmental Protection to adopt a new schedule based on the economic value to the dam owner of the power generated from water stored at the dam.

Committee amendment "A" (H-505) replaced the bill. The amendment repeals the dam registration and abandonment program. The authority of the Commissioner of Environmental Protection to establish water level regimes and minimum flows for dam and impoundments is retained, but municipalities are permitted to assume that authority for dams and impoundments within their boundaries either by ordinance and by interlocal agreements.

The amendment also directs the Commissioner of Environmental Protection to divest the department of title and interest in all dams acquired through the dam abandonment provisions of the Maine Revised Statutes, Title 38, section 835 which is repealed in the amendment.

The amendment abolishes one Environmental Specialist III position at the Department of Environmental Protection and requires that funds remaining in the dam registration account be used to offset costs associated with conducting water level hearings.