

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.

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Committee amendment "A" (S-53) adds an emergency preamble and an emergency clause to the bill. The amendment also changes the date in the bill that pertains to the deadline for the adoption of ordinances by towns that have adopted a comprehensive plan from January 1, 1995 to July 1, 1994. The amendment also strikes that section of the bill that permits the Office of Community Development to issue implementation grants to towns before the adoption of a comprehensive plan.

LD 487 An Act Concerning Closure of Municipal Landfills ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
WEBSTER	ONTP	

SUMMARY

This bill would have eliminated the December 31, 1992 operating deadline for licensed and unlicensed municipal solid waste landfills. The bill also would have allowed municipal landfills to continue operating unless the commissioner finds that a landfill is adversely affecting the public health or polluting the environment.

LD 501 An Act to Correct Errors and Inconsistencies in the Growth Management Laws PUBLIC 166

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ANDERSON	OTP-AM	H-218

SUMMARY

This bill as amended (H-218) corrects a series of technical problems resulting from recent amendments to the laws governing growth management contained in Public Law 1991, chapters 722 and 780.

LD 505 An Act to Set a Moratorium on Issuing Permits for Septic Tanks ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
NICKERSON	ONTP	

SUMMARY

This bill would have imposed a moratorium on a municipality's issuance of new permits for subsurface wastewater disposal systems if that municipality is not in compliance as of August 31, 1993 with the laws that require each municipality to provide for the disposal of all refuse, effluent, sludge and any other materials from all septic tanks and cesspools located in that municipality. The bill would have also amended current law to require that a municipality's disposal capacity be sufficient to handle its share of septage, and to add holding tanks to the list of systems for which the municipality is responsible for the disposal of septage.

LD 506 An Act to Exempt Permitted Borrow Pit Operations from Municipal Shoreland Zoning Review ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LORD SUMMERS	ONTP	

SUMMARY

This bill would have exempted borrow pits in shoreland zones with valid site law permits from municipal shoreland zoning permitting requirements.

LD 519 An Act Establishing Performance Standards for Internally Drained Borrow Pits Consisting of 5 to 30 Acres of Reclaimed and Unreclaimed Land

PUBLIC 350

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED	
LORD	OTP-AM	MAJ	H-566	
	OTP-AM	MIN	H-626	COLES

SUMMARY

This bill would have exempted gravel pits that consist of less than 5 acres of unreclaimed land from regulation by the Department of Environmental Protection under the site location of development laws. Under this bill, excavation of up to 40 acres of land could occur without site-law review by the Department of Environmental Protection as long as the total acreage of unreclaimed land does not exceed 5 acres at any one time.

Committee amendment "A" (H-566), the majority report of the Committee, replaced the bill. The amendment establishes an alternative to site law permitting for owners or operators of internally drained gravel pits who wish to expand existing small pits to 5 or more acres. Under this amendment, a site law permit would not be required to expand a gravel pit to 5 or more acres if the owner or operator certifies that the "working pit" area will not exceed 10 acres at any time, that the working pit will remain naturally internally drained at all times and that all activities will be conducted in compliance with the minimum performance standards established in this amendment. A site law permit would still be required for any pit larger than 30 acres and for any pit larger than 5 acres that can not maintain natural internal drainage in excavated areas.

The amendment allows owners or operators of unlicensed gravel pits between 5 and 30 acres to exempt themselves from the site law permitting process by filing a notice of intent to comply with minimum performance standards. The exemption applies only if the owner or operator of the unlicensed pit certifies in 1994 that all existing conditions at the pit will be brought into compliance by October 1, 1995 and that all activities conducted after filing that certification will be conducted in compliance with these minimum performance standards.

The performance standards limit the total area of a pit to 30 acres and limits the "working pit" size to 10 acres. The standards also prohibit excavation in significant wildlife habitat areas, require minimum buffers around protected natural resources, prohibit excavation within 5 feet of ground water, within 200 feet of private drinking water supplies and within 1,000 feet of public water supplies. The standards also require erosion and sedimentation control, surface water protection and storm water management planning, require reclamation of affected areas and limit traffic, noise and dust generation at the site. The amendment allows the Department of Environmental Protection to grant a variance from some of these standards only if the variance does not adversely affect natural resources or existing uses and does not adversely affect the health, safety and general welfare of the public.

The amendment allows a municipality to register for authority to enforce these standards by adopting an ordinance that the Commissioner of Environmental Protection certifies as meeting or exceeding the minimum performance standards in this amendment. Once a municipality is registered to enforce these standards, all fees and fines imposed by this amendment become payable to that municipality. The commissioner may