

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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*

**MEMBERS:**

*\*Sen. Mark W. Lawrence  
Sen. Alton E. Cianchette  
Sen. Margaret G. Ludwig*

*\*Rep. Paul F. Jacques  
Rep. James Mitchell  
Rep. James Reed Coles  
Rep. Richard A. Gould  
Rep. Virginia Constantine  
Rep. Thomas E. Poulin  
Rep. Jason D. Wentworth  
Rep. Willis A. Lord  
Rep. Malachi Anderson  
Rep. John F. Marsh*

*\*Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
MARION HYLAN BARR  
JON CLARK  
LISA COPENHAVER  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
JILL IPPOLITI



JOHN B. KNOX  
ROY W. LENARDSON  
PATRICK NORTON  
JANE ORBETON  
MARGARET J. REINSCH  
PAUL J. SAUCIER

JOHN G. KELLEY, RESEARCHER  
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&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; 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 &amp; 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 1217**

**An Act to Amend the Laws Concerning Dam Registration Fees**

ONTP

**SPONSOR(S)**  
NORTON

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have established a separate annual registration fee for dams that are located on an individual's property and maintained by that landowner for agricultural purposes or other purposes that do not produce or enhance profit on the part of the landowner.

**LD 1218**

**An Act Related to Unavoidable Equipment Malfunctions**

PUBLIC 232

**SPONSOR(S)**  
LORD

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-261

**SUMMARY**

This bill would have provided that owners and operators of certain facilities are not subject to penalty for unavoidable equipment malfunctions, whether or not emission or discharge limits are exceeded nor, with respect to air emission sources, for excess emissions during start-up and shutdown as long as reasonable steps have been taken to prevent the malfunction to minimize the discharge or emission.

Committee amendment "A" (H-261) replaced the bill. The amendment grants the Commissioner of Environmental Protection the discretionary authority to exempt from civil penalty an air emission or wastewater discharge that is in excess of a license limitation if the emission or discharge occurs during start-up or shutdown of equipment. Existing law already grants such discretionary authority to the commissioner for emissions or discharges that occur during unavoidable malfunctions.

By striking the word "may" and inserting the word "shall" in the Maine Revised Statutes, Title 38, section 414-A, subsection 4, the amendment requires, rather than allows, the Commissioner of Environmental Protection to fashion license conditions that allow reasonably controlled and infrequent bypasses at treatment facilities if an applicant demonstrates to the department that such bypasses are necessary for essential maintenance to ensure efficient operation of the plant.

By striking the word "may" and inserting the word "shall" in Title 38, section 590, subsection 5, the amendment requires, rather than allows, the Commissioner of Environmental Protection to fashion license conditions that allow infrequent excess emissions during cold start-up and planned shutdown of facilities if an applicant demonstrates to the department that such emissions are unavoidable during those periods.

**LD 1244**

**An Act to Protect Leaseholders**

ONTP

**SPONSOR(S)**  
TUFTS

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have required owners of leased recreational lots to give the current lessee 180 days' notice of any transfer or sale of that leased lot and the right of first refusal. Any sale must be at the fair market value based on sales and transfers within 10 miles of the property.