

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
ENERGY AND NATURAL RESOURCES

MAY 1994

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

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1994**

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, 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:

*PUBLIC XXX*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*ONTP*

*INDEF PP*

*FAILED ENACTMENT*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Ought Not to Pass report accepted*

*Bill Indefinitely Postponed*

*Bill failed to get majority vote*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference unable to agree; bill died*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

**LD 975      An Act to Allow for the Use of Multi-layered Packages      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
BUSTIN ALIBERTI	ONTP	

**SUMMARY**

This bill would have amended the State's ban on composite beverage containers to allow the sale of aseptic beverage packing (juice boxes). This beverage packaging would also have been exempt from the bottle deposit laws. The substance of this bill was incorporated into the majority committee report on LD 256 and was subsequently enacted.

**LD 990      An Act to Supplement Environmental Enforcement      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
COLES	ONTP      MAJ OTP-AM      MIN	

**SUMMARY**

This bill would have allowed a Maine resident to initiate an enforcement action for an alleged violation of laws protecting the environment and the State's natural resources.

The minority amendment would have provided that citizen suits are available only for violation of laws, rules, orders, ordinances, permits and licenses contained in or issued under the Maine Revised Statutes, Title 38 or Title 30-A, chapter 187, regarding local land use ordinances. The amendment also would have prohibited the court from awarding costs or attorney's fees to any party in a citizen suit and prohibited the initiation of a citizen suit if the Department of Environmental Protection, a municipal officer or the Attorney General is pursuing informal action that corrects the violation. Finally, the amendment deleted a provision permitting intervention in administrative or Attorney General enforcement actions, as a matter of right, for any affected person.

**LD 1290      An Act to Amend the Shoreland Zoning Laws      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
ST. ONGE	ONTP	

**SUMMARY**

LD 1290 proposed to prohibit the Department of Environmental Protection from requiring that towns zone areas around moderate value wetlands as resource protection in their shoreland zoning ordinances. The bill also proposed to prohibit the establishment of resource protection districts that extend more than 100 feet around high value wetlands and to require that the Commissioner of Environmental Protection establish definitions for low, moderate and high value wetlands.

**LD 1446      An Act to Establish an Ambient Water Toxics Program      PUBLIC 720**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
COLES	OTP-AM	H-1072 H-1091    MARTIN J

**SUMMARY**

This bill requires the development and implementation of a comprehensive, five-year program to monitor the waters of the State for toxic contamination. This bill was introduced in direct response to a legislative initiative in 1992, P.L. 1991, chapter 735.

COMMITTEE AMENDMENT "A" (H-1072) clarifies the requirements for the design of the annual work program for ambient testing of waterborne toxic substances. Specific elements of the annual work program will require approval by 2/3 of the voting members of the technical advisory group prior to implementation. Elements requiring this approval are the list of the toxic substances to be monitored and the analytical methods to be employed if those methods have not been previously approved by the United States Environmental Protection Agency.

The committee amendment also adds a Legislator to the technical advisory group as a nonvoting member and provides for the terms of membership and other procedural aspects of the group. The committee amendment also adds an allocation section and a fiscal note.

HOUSE AMENDMENT "A" (H-1091) makes technical corrections regarding the allocation of funds from the Coastal and Inland Surface Oil Clean-up Fund to support the monitoring program.

**LD 1455      An Act Regarding Low-level Radioactive Waste      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
TITCOMB	ONTP	

**SUMMARY**

This bill would have required the Maine Low-level Radioactive Waste Authority to investigate ways to reduce the generation of low-level radioactive waste by identifying nonradioactive alternatives. It also would have required the Authority to adopt rules for the packaging of wastes and to oversee the cleanup of areas contaminated by radioactive waste.

**LD 1479      An Act to Identify Laboratories Subject to the Laboratory      PUBLIC 537**  
**Certification Program      EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
DUTREMBLE D CARPENTER	OTP-AM	S-409 S-425    LAWRENCE

**SUMMARY**

This bill would have amended the laboratory certification program to provide that the mandatory requirements of the laboratory certification program apply only to commercial laboratories that receive annual revenues of more than \$10,000 for the analysis of water, wastewater, soil, air, solid or hazardous waste or radiological samples for use in the programs of the Department of Human Services or the Department of Environmental Protection.

COMMITTEE AMENDMENT "A" (S-409) replaces the bill with language allowing wastewater laboratories that are operated by facilities licensed by the Department of Environmental Protection to perform certain tests on wastewater without being certified by the Director of the Health and Environmental Testing Laboratory, provided the facility license includes terms and conditions regulating the laboratory. The amendment also adds a fiscal note.

SENATE AMENDMENT "B" (S-425) amends Committee Amendment "A" to remove the requirement that laboratories performing certain tests without certification be subject to laboratory qualifications contained in the waste discharge license issued by the Department of Environmental Protection. This amendment also provides that such laboratories may analyze waste discharges for biochemical oxygen demand and chemical oxygen demand.