

# 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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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.

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The majority committee amendment (H-503) would have deferred the effective date of the preference for state purchases of chlorine-free paper until July 1, 1998 in order to allow time for the conversion of pulp and paper-making processes and to coordinate with ongoing changes in federal regulatory requirements. The amendment made a number of minor changes to the definitions and a grammatical correction. The amendment also provided a clearer hierarchy of purchase preferences.

**LD 1439      An Act to Amend Certain Laws Administered by the Department  
of Environmental Protection Governing Fees, Reconsiderations  
and Outside Permit Reviews**

**PUBLIC 356  
EMERGENCY**

**SPONSOR(S)**  
DEXTER

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-536

**SUMMARY**

The bill repeals the statutory provision that repeals the Department of Environmental Protection's authority to enter into agreements with outside review agencies to review applications or portions of applications submitted to the department. Current law repeals this authorization on July 1, 1993.

The bill would have repealed the statutory provision that repealed the existing schedule for licensing and permitting fees authorized under the Maine Environmental Protection Fund. The bill also would have repealed the provision that allows a person to file a request for the Board of Environmental Protection to reconsider a decision.

Committee amendment "A" (H-536) prohibits a person from requesting that the Board of Environmental Protection reconsider a decision if that decision is an appeal or reconsideration of a decision made by the Commissioner of Environmental Protection. The amendment further limits a person to one request for reconsideration.

The amendment also extends for 2 years the existing permit and licensing fee structure authorized under the Maine Environmental Protection Fund.

**LD 1446      An Act to Establish an Ambient Water Toxins Program**

**CARRIED OVER**

**SPONSOR(S)**  
COLES

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill requires the development and implementation of a comprehensive, ongoing program to monitor the waters of the State for toxic contamination. This bill was introduced in direct response to a legislative initiative in 1992, Public Law 1991, chapter 735. The committee voted to carry over the bill.

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

**CARRIED OVER**

**SPONSOR(S)**  
TITCOMB

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill requires 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 requires

the Authority to adopt rules for the packaging of wastes and to oversee the cleanup of areas contaminated by radioactive waste. The bill was carried over to the Second Regular Session.

**LD 1462 An Act to Facilitate Oil Spill Cleanup Operations**

PUBLIC 333  
EMERGENCY

**SPONSOR(S)**

CONLEY

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

S-236

**SUMMARY**

This bill establishes that discharges of oil associated with oil spill clean-up operations are exempt from the state waste discharge license and oil discharge prohibition laws when such discharges occur at the instruction of the Commissioner of Environmental Protection or the commissioner's designee.

Committee Amendment "A" (S-236) replaces the bill with clearer language. It provides that a person is not in violation of the discharge license or prohibition laws if the discharge occurs in the process of recovering, containing, cleaning up or removing oil spills to surface water if the action is undertaken in compliance with the instructions of the commissioner or the commissioner's designee.

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

CARRIED OVER

**SPONSOR(S)**

DUTREMBLE D  
CARPENTER

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill amends 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. The bill allows any other laboratory to voluntarily apply for certification under the program. The bill was carried over.

**LD 1487 An Act to Improve Environmental Protection and Support Economic Development under the State's Land Use Laws**

CARRIED OVER

**SPONSOR(S)**

JACQUES  
DUTREMBLE D

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill restructures the current system of land use planning and natural resource regulation. Specifically, the bill prioritizes the role of the State in regulating land use as that of protecting natural resources. The role of local governments in the land use regulatory system is to guide the location of development. State jurisdiction under the site location of development laws and the mandatory shoreland zoning laws will be phased out and replaced with local plans and ordinances. State and regionally significant natural resources will become the sole jurisdiction of the State once a natural resources plan is completed.