

# 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:

*PUBLIC XXX*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*CARRIED OVER*

*ONTP*

*ENACTMENT FAILED*

*INDEF PP*

*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*

*Bill carried over to Second Session*

*Ought Not to Pass report accepted*

*Bill failed to get majority vote*

*Bill Indefinitely Postponed*

*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 formed but unable to agree*

*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. 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 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.

This bill directs state and local governments to develop plans that rely more on permit-by-rule, best management practices and education and technical assistance rather than traditional forms of permitting to achieve stated land use goals.

This bill creates the Commission on Land Conservation and Development and a series of land planning, management and regulatory policies that will serve to link all the various state, regional and local roles in the land use regulatory system.

The committee voted to carry over the bill and study the concept during the 1993 interim.

## **LD 1492      An Act Related to the Site Location of Development Laws**

**PUBLIC 383**

**SPONSOR(S)**  
ANDERSON

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-532  
H-632    CHONKO

### **SUMMARY**

The bill makes several changes in the Site Location of Development law to streamline and clarify the law. The bill eliminates the permit requirement for conversion of an existing structure, construction of multi-unit housing in the shoreland zone, drilling or excavating natural resources where the area affected is in excess of 60,000 square feet and structures with a 60,000 square foot ground area or 100,000 square foot floor area. In addition, the bill raises the permitting threshold for topsoil, clay and silt mining to 5 acres as long as best management practices are followed for excavations under 5 acres. The bill eliminates notification requirements for hazardous activities.

Exemptions are added for residential subdivisions of fewer than 30 units in areas with municipal sewer that are located in municipalities with approved growth management programs, developments other than metallic mineral advanced exploration or mining activities in unorganized areas, certain roads and railroad tracks, gas pipelines, transmission lines meeting scenic impact standards and certain farm and fire ponds. The standard addressing open space is deleted. The exemption for certain borrow pits regulated by the Department of Transportation is deleted.

The bill provides that the 5-year clock for counting a lot offered for sale in a subdivision begins on the earlier of the sale, lease or recording of the lot and runs for 5 years from that date. The bill also clarifies permitting requirements for structures within commercial subdivisions, the homestead exemption and appeal procedures for municipal delegation suspension decisions. Certain site law definitions are amended to be consistent with definitions used in the natural resources protection laws and mandatory shoreland zoning laws. The bill allows municipalities with delegated authority to modify permits and shifts oversight of individual developments by the Department of Environmental Protection from the end to the beginning of the municipal review process.

Additional provisions address minor revisions, rescissions, requirements that municipalities with delegated authority update ordinances, deletion of discretionary net worth testing for metallic mineral mining activities and amendment of the reclamation definition to accord with common practice.

This bill also moves certain provisions of the site laws into appropriate sections of the oil discharge prevention, pollution control and waste management laws and makes revisions appropriate to those programs. These provisions include definitions pertaining to aquifers and criteria for hazardous waste, waste oil and biomedical waste facilities that have been previously adopted in rules pursuant to the Maine Revised Statutes, Title 38, chapter 13, subchapters I and I-A. This bill also enacts new prohibitions on the siting of waste facilities in certain sensitive geologic areas.