

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

SPONSOR(S)JACQUES
DUTREMBLE D**COMMITTEE REPORT**

OTP-AM

AMENDMENTS ADOPTEDH-942
S-600 PEARSON**SUMMARY**

LD 1487 proposed to create an 11 member Commission on Land Conservation and Development. The duties of the commission would have been to coordinate state, regional and local land use planning activities, to establish land planning, management and regulatory performance goals, and to advise state agencies, including the Department of Economic and Community Development and the Department of Environmental Protection, on regional capital investment planning, certification of local growth management programs and natural resource planning and regulation. The bill also proposed that state and local governments be directed 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.

COMMITTEE AMENDMENT "A" (H-942) replaced the bill.

Part A of the committee amendment clarifies that only those portions of municipal ordinances that are not consistent with comprehensive plans are void after a certain period of time. This part also provides towns with flexibility with respect to identifying areas of residential growth in their comprehensive plan. This part combines the growth management planning and implementation grants offered by the Department of Economic and Community Development into one grant, specifies that certification of a growth management program by that department is valid for 5 years and makes municipal zoning ordinances that are consistent with growth management plans binding on certain state activities. This part also enacts a requirement that the Department of Economic and Community Development conduct an evaluation of the growth management program.

Part B of the committee amendment requires that new school construction projects be located in areas designated in a town's comprehensive plan as growth areas and requires that towns and sewer or sanitary districts coordinate with one another during the planning and permitting processes.

Part C of the committee amendment codifies the Land and Water Resources Council that was originally created by Executive Order in the early 1980's. This part also creates an exemption from the noise, traffic, flood plain and infrastructure standards in the site location of development laws for developments located in growth areas of towns with certified growth management programs. This part also directs the Department of Environmental Protection to review issues related to the licensure of sawmills.

Part D of the committee amendment creates a Municipal Infrastructure Investment Trust Fund. A companion bill, Legislative Document 1977, proposes a referendum for the issuance of \$10,000,000 in bonds to capitalize this fund. Revenue from those bonds would have been made available to eligible municipalities in the form of loans and grants to assist in funding municipal infrastructure improvements. The Joint Standing Committee on Appropriations and Financial Affairs recommended an "ought not to pass" report on the proposed bond issue. That report was accepted by the full Legislature.

Part E of the committee amendment streamlines the procedural requirements for the formation of watershed management districts. Existing provisions for lake and coastal watershed districts are combined. The current role for the Board of Environmental Protection in approving the formation of districts is eliminated and the Commissioner of Environmental Protection's role is limited to ministerial duties. As in current law, formation of a watershed management district is contingent upon approval of the voters residing within the proposed district. Those proposing the formation of a watershed management district are required to develop a declaration of district responsibilities to describe and limit the authority of the proposed district and to inform voters. Provision is also made for the passage and assessment of annual budgets when unorganized territory is included in a district.

Part F delays by one year the effective date of an exemption from the natural resource protection laws for certain subsurface waste water disposal systems. This part also places fragile mountain areas, deer wintering areas, seabird nesting islands and great ponds, rivers, streams and brooks located in the unorganized territories under the regulatory jurisdiction of the Maine Land Use Regulation Commission. The Maine Land Use Regulation Commission is directed to periodically review land use standards adopted by the commission for these resources to ensure that its standards afford a level of protection consistent with the goals of the Maine Revised Statutes, Title 38, chapter 3, subchapter I, article 5-A, the goals of Title 12, chapter 206-A and the commission's comprehensive land use plan.

Part G was an appropriation section. This part proposed to appropriate \$168,520 to the Geographic Information Systems for 2 positions and core general fund support, \$88,757 to the Office of Community Development in the Department of Economic and Community Development for 2 positions for enhanced municipal technical assistance and to conduct the evaluation of the growth management program and \$55,809 to the Land and Water Resources Council for one position.

The committee amendment also adds a fiscal note to the bill.

SENATE AMENDMENT "A" (S-600) struck all appropriations in Part G of the committee amendment and inserted in their place an allocation section that allocated \$39,218 to the Geographic Information Systems for 1 position and \$68,712 to the Office of Community Development in the Department of Economic and Community Development for 2 positions. These revenues were derived from a \$100,000 de-allocation from the Maine Solid Waste Management Fund.

The Senate amendment also added a Part H that established an effective date for the bill of October 1, 1994.

LD 1582 An Act to Amend Road Dust Nuisance Laws ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LORD	ONTP	

SUMMARY

LD 1582 proposed to exempt unpaved public and private roads that are not part of a commercial and industrial source or facility from best management practices for suspended particulate matter under state air quality laws.

**LD 1590 Resolve, to Direct the Department of Environmental Protection to Collect, Review and Develop Information for Use in Implementing the Clean Air Act RESOLVE 67
EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CLARK	OTP-AM	H-911

SUMMARY

The federal Clean Air Act, 42 United States Code, Section 7511c created the Ozone Transport Region, which includes the 12-state region from Virginia to Maine and the District of Columbia. The federal Clean Air Act imposes stringent control requirements on certain sources of ozone precursors throughout the Ozone Transport Region. The federal Clean Air Act also provides that the governor of any state in the Ozone Transport Region may petition the United States Environmental Protection Agency to remove some or all of the state from the Ozone Transport Region if the agency finds that Ozone Transport Region controls in these areas will not significantly contribute to attainment of the ozone standard.