

# 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:

<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

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.

The amendment (H-532) makes the following changes in the bill:

1. Amends the mandatory shoreland zoning laws to include regulation of buildings built over the water, such as wharves;
2. Reinstates language requiring a permit under the site law for the following activities: drilling or excavating for natural resources when the affected area exceeds 60,000 square feet and construction of gas pipelines and transmission lines carrying more than 100 kilovolts. Laws requiring notice of these activities are also reinstated;
3. Clarifies that areas stripped or graded and revegetated within a calendar year are not counted in determining whether a development exceeds 3 acres;
4. Moves the language regarding consideration of noise effects from a development into the section of law dealing with standards for development;
5. Expands the exemption for residential subdivisions to include an exemption for residential subdivisions of 15 or fewer lots without municipal sewer, provided certain conditions are met;
6. Amends the notice requirement for expansions at existing manufacturing facilities to require an annual notice of construction undertaken during the year instead of advance notice of construction to be undertaken;
7. Removes reference to reconsideration of a board decision to grant, withhold or suspend municipal registration to make this law consistent with legislation approved earlier this session;
8. Reinstates consideration of flood hazards as a standard for reviewing solid and hazardous waste facilities under the site laws;
9. Clarifies the process the department must follow to review low-level radioactive waste facility sites; and
10. Provides that persons holding permits for conversions are not required to obtain department review of modifications to those projects.

House Amendment "A" (H-632) corrects the fiscal note.

**LD 1509      An Act to Amend Certain Laws Pertaining to the Department  
of Environmental Protection's Bureau of Hazardous Materials  
and Solid Waste Control**

**PUBLIC 355  
EMERGENCY**

**SPONSOR(S)**  
ANDERSON

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-572

**SUMMARY**

Title 38, section 2304 is amended to clarify that the exemption for water supply treatment facilities from the requirement to report progress toward meeting reduction goals applies only to drinking water and provides an exemption for wholesale distributors of chemicals.

The bill amends the definition of an oil terminal facility to exclude certain vessels from licensing requirements and extend the maximum period of a license from 2 to 5 years.