

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

MAY 1994

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*

MEMBERS:

**Sen. Mark W. Lawrence
Sen. Alton E. Cianchette
Sen. Margaret G. Ludwig*

**Rep. Paul F. Jacques
Rep. James Mitchell
Rep. James Reed Coles
Rep. Richard A. Gould
Rep. Virginia Constantine
Rep. Thomas E. Poulin
Rep. Jason D. Wentworth
Rep. Willis A. Lord
Rep. Malachi Anderson
Rep. John F. Marsh*

**Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
JULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
MARION HYLAN BARR
JON CLARK
LISA COPENHAVER
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
JILL IPPOLITI



JOHN B. KNOX
ROY W. LENARDSON
PATRICK NORTON
JANE ORBETON
MARGARET J. REINSCH
PAUL J. SAUCIER
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
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)
CAHILL**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
S-447**SUMMARY**

LD 1721 proposed to allow a person to repair a permanent structure located in, on, over or adjacent to a protected natural resource without obtaining a permit from the Department of Environmental Protection.

COMMITTEE AMENDMENT "A" (S-447) replaced the bill. The amendment amends the existing exemption from the natural resources protection laws for maintenance and minor repair to clarify that the exemption applies to structures in, on, over or adjacent to any protected natural resource, thereby including within that exemption maintenance and minor repair activities that take place below the high water line. The exemption is only valid for repairs that do not require fixing or restoring more than 50% of the structure and for repaired structures that do not exceed the dimensions of the structure as it existed 18 months prior to the repair.

The amendment also enacts an exemption that allows the replacement of floating docks if the replacement docks do not exceed the dimensions or have configurations different from the previously existing floating docks.

The amendment also directs the Board of Environmental Protection to amend its rules as necessary to allow a person whose dock, wharf or pier is destroyed by an act or acts of nature to replace that dock, wharf or pier with a similar structure under permit-by-rule performance standards. The rules must require a person who intends to replace a dock, wharf or pier under a permit by rule to submit a permit-by-rule application within 18 months from the time the damage occurred. A permit by rule obtained for the purpose of replacing a dock, wharf or pier under those performance standards is valid for 3 years from the date of filing.

The amendment also adds a fiscal note to the bill.

LD 1731 An Act Relating to the Ground Water Oil Clean-up FundPUBLIC 553
EMERGENCY**SPONSOR(S)**
JACQUES
LAWRENCE
GOULD R A**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
H-777**SUMMARY**

This bill repeals the temporary increase in the import fees that are scheduled to be assessed on petroleum products from January 1, 1994 to January 1, 1998 to fund the insurance program administered through the Ground Water Oil Clean-up Fund.

This bill also makes changes in the operation and administration of the Ground Water Oil Clean-up Fund. Currently, a 3rd-party claimant may file a claim for damages through a civil action without seeking recovery from the fund for eligible claims. This bill allows a person who is named as a defendant in such an action to file a 3rd-party damage claim with the fund so that any eligible expenses will be paid out of the fund.

COMMITTEE AMENDMENT "A" (H-777) clarifies that an owner or operator of an oil tank may be reimbursed for damages paid to 3rd parties only if the owner or operator is eligible for fund coverage, and may only be reimbursed for claims that would have been payable to the 3rd party if that person had applied to the