

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

**LD 1721 An Act to Amend the Laws that Deal with the Protection of
Natural Resources**

PUBLIC 617

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 Fund

PUBLIC 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

fund for coverage instead of suing the owner or operator in court. The amendment also makes technical changes to the laws to reflect the repeal of the fee increase.

LD 1735 An Act to Exempt Schools from Certain Fees

PUBLIC 571

SPONSOR(S)

AHEARNE
PARADIS J

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-797

SUMMARY

This bill would exempt public schools from the inventory and registration fees imposed on underground storage tanks by the Maine Emergency Management Agency.

COMMITTEE AMENDMENT "A" (H-797) exempts public schools from registration and inventory fees for underground storage tanks imposed prior to March 1, 1994, instead of exempting them from fees permanently as proposed in the bill. The amendment also requires the Maine Emergency Management Agency to grant schools that have already paid the fees a credit against future fees. The amendment also adds a fiscal note to the bill.

LD 1737 An Act to Amend the Classification of Part of the Presumpscot River

PUBLIC 523

SPONSOR(S)

LARRIVEE

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-746

SUMMARY

This bill would have changed the classification of the Presumpscot River Basin from Dundee Pond to Little's Island from Class B to Class A and upgraded the Pleasant River and its tributaries to Class A.

COMMITTEE AMENDMENT "A" (H-746) changes the classification of the main stem of the Presumpscot River from the outlet of Dundee Pond to its confluence with the Pleasant River from Class B to Class A. This is a shorter portion of the main stem. Provision is made to retain the Class B aquatic life standard for this river segment for the purposes of federal relicensing of the Dundee Dam hydropower project. This amendment also retains the GP-A classification of the existing impoundment behind the Dundee Dam which had been inadvertently reclassified to a riverine classification in the original bill.

LD 1752 An Act Concerning Protective Structures along the Coast in Biddeford

ONTP

SPONSOR(S)

CARON

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

LD 1752 proposed to allow the construction and rebuilding of bulkheads and other protective structures along the coast in Biddeford adjacent to Granite Point.