

# 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

The amendment also adds a fiscal note and emergency preamble to the bill and conforms existing law to current drafting standards.

**LD 1764 An Act to Preserve Productive Forests**

P & S 98  
EMERGENCY

**SPONSOR(S)**  
HOLT

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-846

**SUMMARY**

LD 1764 proposed certain limitations on timber harvesting practices in the unorganized areas of the State.

COMMITTEE AMENDMENT "A" (H-846) replaced the bill. The amendment directs the Department of Conservation to evaluate the laws governing forest practices and rules adopted to implement those laws. The amendment also requires the department to convene a technical working group to assess the market and nonmarket pressure being applied to the Maine forests. A report is required on the evaluation by April 1, 1995 and a report is required on the assessment by September 1, 1995.

Funding for the 4 positions identified in the amendment as necessary to perform the evaluation and the assessment was provided from the General Fund in the FY 1994-95 supplemental budget.

**LD 1767 An Act to Establish the Public Access to Maine Waters Fund**

PUBLIC 728

**SPONSOR(S)**  
MARTIN J

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-879

**SUMMARY**

LD 1767 proposed to create the Lake and Ocean Frontage Acquisition Board to acquire lake and ocean frontage for the purposes of conservation, recreation and protection of wildlife and plant habitat.

COMMITTEE AMENDMENT "A" (H-879) replaced the bill. The amendment establishes the Public Access to Maine Waters Fund. The fund is administered by the Land for Maine's Future Board, but remains separate from the Land for Maine's Future Fund established by the Legislature in 1987.

The primary purpose of the new fund is to provide public access to fresh or coastal waters that presently have either no public access or very limited public access. The amendment directs the board to use money in the fund to buy land or interests in land to provide that access.

The fund is intended to be capitalized by the issuance of general obligation bonds, however, no bond referendum was proposed in the committee amendment or in any accompanying legislation introduced during the Second Regular Session of the 116th Legislature.

The amendment also adds a fiscal note to the bill and conforms existing law to current drafting standards.

**LD 1769 An Act to Protect Maine's Lakes and Ponds**

ONTP

**SPONSOR(S)**  
BUSTIN  
JACQUES

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

LD 1769 proposed to allow the State to establish water level regimes or minimum flow requirements for 6 generating dams that are "grandfathered" by the Federal Power Act of 1920 because of pre-existing federal

authorization, and 18 dams used as upstream storage either for FERC licensed hydropower dams or other "grandfathered" generating dams.

**LD 1776      An Act to Refund Money Collected from the Disposal Fee on Major Appliances and Tires to Municipalities      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LORD	ONTP            MAJ	
	OTP-AM        MIN	

**SUMMARY**

This bill would have allowed municipalities to be reimbursed for 50% of solid waste disposal fees deposited in the Maine Solid Waste Management Fund.

The minority amendment would have clarified that a municipality receives reimbursement only for fees paid by its residents, specified a procedure for collecting the reimbursement, and eliminated funding and positions in the Department of Environmental Protection and the Maine Waste Management Agency to reflect the loss of funds from the Maine Solid Waste Management Fund.

**LD 1791      An Act to Prevent Damage Claims against the State Due to the Installation of Drinking Water Wells in Areas of Possible Hazardous Substances and Oil Pollution      PUBLIC 621**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
ANDERSON	OTP-AM	H-878

**SUMMARY**

This bill would have defined "potential groundwater contamination source" and prohibited the location and establishment of new groundwater drinking water supply wells within specified distances from potential contamination sources.

COMMITTEE AMENDMENT "A" (H-878) replaces the bill. It limits recovery from responsible parties or from the Groundwater Oil Clean-up Fund, the Coastal and Inland Surface Oil Clean-up Fund or the Uncontrolled Hazardous Waste Site Fund for costs incurred in treating or replacing a contaminated well that serves a location that was connected to a viable community water supply system immediately before the well was installed. If the well was installed in an area delineated by the Department of Environmental Protection as a contaminated area, the Commissioner of Environmental Protection and the responsible parties are not required under the Maine Revised Statutes, Title 38 to reimburse the person for treatment and replacement costs. If the well was installed in any other area, recovery would be limited to the cost of drilling the well and its proper abandonment and would exclude the cost of the pump, the piping and the cost differential between public water and private well water. This does not relieve the commissioner or a responsible party from other clean-up responsibilities imposed by law.

The amendment also changes the category of sites for which municipalities are prohibited from receiving landfill remediation grants. Current law excludes grants to remediate threats to any structure built or approved by the municipality. The amendment excludes grants for structures built by the municipality or any local government entity in which the municipality or its residents participates. This change was added to avoid a conflict with changes made in LD 1757.