

# 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 1813**      **An Act to Ensure that Wastewater Disposal Systems Comply with New Rules Developed by the Department of Human Services**

ONTP

**SPONSOR(S)**  
POULIN

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill proposed to exempt residential subsurface wastewater disposal systems from Department of Environmental Protection review under the site location of development laws and to require compliance with Department of Human Services rules applicable to those systems as a condition of the site law permit.

**LD 1853**      **An Act to Amend the Laws Concerning Set-back Variances**

PUBLIC 627

**SPONSOR(S)**  
GOULD R A

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-827  
H-875      MARTIN J

**SUMMARY**

LD 1853 proposed to allow towns to adopt ordinances allowing zoning boards of appeal to grant dimensional variances under standards that do not include the "reasonable return" standard in the definition of undue hardship. The bill would have prohibited "use" variances from being granted under the new standards and proposed only to apply the new standards to structures located outside of shoreland zone areas.

COMMITTEE AMENDMENT "A" (H-827) replaced the bill. The amendment allows towns that chose to adopt ordinances allowing for variances from set-back requirements the option of including in those ordinances a provision that would allow the variances to exceed 20% of the set-back requirement if the petitioner obtains the written consent of any affected abutting landowner.

HOUSE AMENDMENT "A" (H-875) clarifies that the variance authority granted in the amendment does not extend to minimum setbacks from wetlands or water bodies required under the State's model shoreland zoning ordinance.

**LD 1876**      **An Act Concerning Municipally Owned and Operated Solid Waste Incinerators**

PUBLIC 632

**SPONSOR(S)**  
CAHILL

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-481

**SUMMARY**

LD 1876 proposed to exempt municipally owned incineration facilities from the existing air licensing fee schedule.

COMMITTEE AMENDMENT "A" (S-481) replaced the bill. The amendment creates a new license fee category for solid waste incinerators that are owned and operated by a municipality and that have a licensed capacity of 10 tons per day or less. The amendment applies this new category retroactively to July 1, 1993, the date of the most recent fee schedule changes adopted by the Board of Environmental Protection.

The amendment also adds a fiscal note to the bill.