

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
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES

AUGUST 1995

Staff:

*Deborah C. Friedman, Legislative Analyst
Jon P. Clark, Legislative Analyst*

*Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670*

MEMBERS:

**Sen. Willis A. Lord
Sen. W. John Hathaway
Sen. Richard P. Ruhlin*

**Rep. Richard A. Gould
Rep. Thomas E. Poulin
Rep. Jane W. Saxl
Rep. Randall L. Berry
Rep. June C. Meres
Rep. David C. Shiah
Rep. Ernest C. Greenlaw
Rep. Catharine L. Damren
Rep. Roy I. Nickerson
Rep. John P. Marshall*

**Denotes Chair*



**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

State House Station 13, Augusta, Maine 04333
Telephone (207) 287-1670
Telecopier (207) 287-1275

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE
THE JOINT STANDING COMMITTEES**

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

LD 213 An Act to Change the Activities Requiring a Permit from the Department of Environmental Protection

PUBLIC 27

SPONSOR(S)
MARSHALL

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-38

SUMMARY

This bill proposed to eliminate the need for a permit from the Department of Environmental Protection for repair of a permanent structure located in an environmentally protected area.

COMMITTEE AMENDMENT "A" (H-38) replaces the bill. It continues the current law exempting from permitting all repairs of less than 50% of a structure. It also extends the exemption to repairs of up to 100% of a structure, with 3 exceptions. Repair of more than 50% of a structure located in a coastal sand dune system is not exempt from permitting. Repair of more than 50% of a dam is exempt only if a representative of the United States Natural Resources Conservation Service, formerly known as the Soil Conservation Service, has approved the repair. Repair of more than 50% of a structure is exempt from permitting only if the municipality in which the activity is to occur regulates that activity under the mandatory shoreland zoning laws and the municipality has approved a permit for the activity.

LD 214 An Act to Amend the Laws Regarding the Assessment of Penalties for Environmental Violations

ONTP

SPONSOR(S)
MARSHALL

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have required proof of clear and incontrovertible ongoing damage to the environment as a result of a violation of certain environmental laws before a civil penalty could be imposed.

LD 215 An Act to Amend the Laws Regarding Consent Agreements of the Department of Environmental Protection

PUBLIC 123

SPONSOR(S)
MARSHALL

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-220

SUMMARY

This bill proposed that a consent agreement for an environmental violation may not require an alleged violator to waive rights to further hearings or procedures before the Board of Environmental Protection or contain a requirement to abide by conditions not specifically stated in the agreement. The bill also proposed to require mediation at the request of either party if the Department of Environmental Protection and the alleged violator can not agree to the terms of a consent agreement.

COMMITTEE AMENDMENT "A" (H-220) replaces the bill. It requires the Department of Environmental Protection to set forth in the consent agreement, to the greatest extent possible, all requirements and conditions imposed on the alleged violator. It also requires the department and an alleged violator to participate in mediation before the start of an enforcement action in District Court if either party requests mediation. The Court Mediation Service provides the mediators, who are paid from a dedicated account created to hold fees paid by the parties to the mediation. Fees must be set to cover the cost of the environmental mediation services provided. Mediation ends after the first meeting if either party so requests.