

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES

AUGUST 1995

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**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

COMMITTEE AMENDMENT "B" (H-152), which was the minority report, makes several changes to the bill.

1. The bill proposed a new definition of "tributary stream" under the laws relating to the Saco River Corridor Commission. The amendment strikes that definition and inserts an expanded definition of "tributary stream."
2. The bill proposed to eliminate the estuary from the Saco River Corridor. The amendment preserves the estuary of the Saco River within the Saco River Corridor.
3. Currently the Saco River Corridor Commission laws allow a variety of uses within general development districts without any permit from the commission. Under mandatory shoreland zoning laws, these uses require a permit in general development districts. This amendment requires a commission permit for these activities and thereby ensures that the zoning standards enforced by the corridor commission within the corridor are consistent with mandatory shoreland zoning.
4. This amendment makes other technical changes to the bill and clarifies that existing legal uses of land are grandfathered.
5. This amendment strikes the emergency preamble and the emergency clause from the bill.

**LD 447 An Act Regarding the Expansion of Certain Waste Disposal
Facilities**

PUBLIC 68

SPONSOR(S)
GOULD

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-116

SUMMARY

Currently, the Department of Environmental Protection may approve the expansion of an existing commercial solid waste disposal facility or biomedical waste disposal or treatment facility only if the facility was licensed prior to October 6, 1989; the expansion is on land contiguous with the facility and the land was owned by the licensee on September 30, 1989; and the expansion meets the needs criteria of the state plan regarding solid waste management.

This bill amends the current law by allowing the Department of Environmental Protection to consider a proposal for the expansion of an existing facility if the expansion is to be located on contiguous property owned by the licensee, or by a corporation or other business entity under common ownership or control with the licensee, on December 31, 1989 rather than on September 30, 1989. All other existing limitations on expansions as well as the existing review and approval processes will remain in place.

COMMITTEE AMENDMENT "A" (H-116) adds a fiscal note to the bill.

**LD 474 An Act Relating to Equipment Start-up, Shutdown and
Unavoidable Malfunction**

PUBLIC 235

SPONSOR(S)
POULIN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-278

SUMMARY

Current law allows the Commissioner of Environmental Protection to refrain from penalizing companies for air emissions and wastewater discharges in excess of license limitations if the emission or discharge occurs during start-up or shutdown or results from an unavoidable equipment malfunction.

This bill proposed to eliminate the 48-hour written notice requirement and to substitute a 48-hour oral notice and 5-day written notice requirement, would have required the commissioner to respond to a licensee's request for exemption under this provision within 30 days and in sufficient detail to provide the licensee with the basis for the commissioner's decision, and would have specified the process for appealing commissioner decisions on this issue.

COMMITTEE AMENDMENT "A" (H-278) replaces the bill. It eliminates the current statutory requirement that a licensee file a written report with the department within 48 hours of an exceedance, and instead allows a licensee to give oral notice to the department of any start-up, shutdown or malfunction violations within 48 hours and to follow up with a written report on a quarterly basis. The quarterly report supersedes the 5-day written report that is currently required as a standard condition in air emission licenses, according to department regulations.

**LD 528 An Act to Amend the Site Location of Development Laws
 Relating to Former Military Bases**

PUBLIC 90

SPONSOR(S)
JACQUES

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-106

SUMMARY

This bill excludes a former federal military base from the definition of "development" in the site location of development laws except that development proposed on that base after its transfer to a development authority is not excluded.

COMMITTEE AMENDMENT "A" (H-106) strikes and replaces the bill. The amendment preserves the intent of the bill to exclude from review under the site location of development laws development that exists on a former military base when it is acquired by a state or local government authority. The amendment redrafts the bill to clarify the exemption and to ensure that only proposals for future development on these former military bases are subject to review under the site location of development laws.

LD 532 An Act to Restrict the Use of Eminent Domain Power

PUBLIC 139

SPONSOR(S)
BAILEY

COMMITTEE REPORT
OTP-AM MAJ
OTP-AM MIN

AMENDMENTS ADOPTED
H-121

SUMMARY

This bill proposed to prohibit the Land for Maine's Future Board from acquiring land obtained by the use of eminent domain without the prior approval of 2/3 of the Legislature. Eminent domain would have been permitted to clear title to the land, but only with the consent of the landowner.

COMMITTEE AMENDMENT "A" (H-121), which was the majority report, replaces the bill. Under current law, the Land for Maine's Future Board may expend funds to take land by eminent domain if the expenditure or the acquisition has been approved by the Legislature or the owner of the land consents.

Under this amendment, the board may expend funds to take land by eminent domain only if the acquisition is approved by the Legislature or the owner of the land consents.