

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES**

JUNE 1996

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Sen. W. John Hathaway
Sen. Richard P. Ruhlin*

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are 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 finally passed 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>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

LD 1794 **Resolve, Directing the Land and Water Resources Council to Take Steps Needed to Ensure Successful Implementation of State Land Use Law Reforms** RESOLVE 72

<u>Sponsors(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

LD 1794, one of three pieces of legislation resulting from a study of the Site Location of Development Law by the Land and Water Resources Council, proposed to direct the Land and Water Resources Council to assess current state, local and regional policies and programs that influence the cost of development, redevelopment and related public services and that affect land use and development patterns. The resolve proposed to require that the Land and Water Resources Council report its recommendations, including any proposed legislation, in its January 1997 annual report.

Enacted law summary

Resolve 1995, chapter 72, one of three pieces of legislation resulting from a study of the Site Location of Development Law by the Land and Water Resources Council, directs the Land and Water Resources Council to assess current state, local and regional policies and programs that influence the cost of development, redevelopment and related public services and that affect land use and development patterns. The resolve requires the Land and Water Resources Council to report its recommendations, including any proposed legislation, in its January 1997 annual report.

LD 1804 **An Act to Grandfather Municipal Ordinances Regulating the Spreading of Sludge** DIED BETWEEN HOUSES

<u>Sponsors(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LORD CHICK	ONTP MAJ OTP MIN	

LD 1804 proposed to provide that the limits on municipal authority to enact ordinances regarding solid waste facilities do not apply to municipal ordinances enacted prior to September 30, 1989 that relate to the spreading of wastewater treatment plant sludge on land.

LD 1824 **An Act Relating to Solid Waste Management** PUBLIC 588

<u>Sponsors(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-481

LD 1824 proposed to make several changes relating to solid waste management reporting and planning and to development of a state-owned solid waste disposal facility.

Current law requires the State Planning Office to revise the state solid waste management and recycling plan every 2 years. This bill proposed to require revision of the plan every 5 years, but to require reporting of data on solid waste generation and management every 2 years. In conjunction with the 5-year revision of the plan, the bill proposed to require the State Planning Office to convene a task force to evaluate the state laws prohibiting licensure of new commercial solid waste disposal facilities and to make recommendations to the Legislature regarding that policy.

The bill also proposed to prohibit the State Planning Office from beginning construction of a state-owned solid waste disposal facility until the Legislature gives specific approval to construction. The Office must report to the Legislature when it believes that construction and operation of a state-owned solid waste disposal facility is needed to meet capacity needs identified in the state plan, and must propose a method of operation for the facility.

Finally, the bill proposed to clarify that expansion of an existing commercial solid waste disposal facility is not subject to certain restrictions in the law if the expansion does not affect disposal capacity.

Committee Amendment "A" (S-481) proposed to clarify that expansions of commercial solid waste disposal facilities are exempt from certain restrictions in current law only if the expansion is not used for solid waste disposal. The amendment proposed to specify a date by which the next revision of the state solid waste management plan must be completed and to provide for revisions every 5 years.

The amendment also proposed to clarify that the provision requiring the State Planning Office to maintain ownership of the state solid waste facility site does not prohibit the State from complying with obligations it may have to lease or transfer property pursuant to a contract entered into before the effective date of this bill, or pursuant to any amendment to that contract entered into before or after the effective date of this bill.

Enacted law summary

Public Law 1995, chapter 588 makes several changes relating to solid waste management reporting and planning and to development of a state-owned solid waste disposal facility. This law requires the State Planning Office to revise the solid waste management and recycling plan by January 1, 1998 and every 5 years thereafter, instead of every 2 years as required in current law. It requires the Office to report data on solid waste generation and management every 2 years. In conjunction with the 5-year revision of the plan, the law requires the State Planning Office to convene a task force to evaluate the state laws prohibiting licensing of new commercial solid waste disposal facilities and to make recommendations to the Legislature regarding that policy.

The law also prohibits the State Planning Office from beginning construction of a state-owned solid waste disposal facility until the Legislature gives specific approval to construction. The Office must report to the Legislature when it believes that construction and operation of a state-owned solid waste disposal facility is needed to meet capacity needs identified in the state plan, and must propose a method of operation for the facility. The law requires the State Planning Office to maintain ownership of the site, but clarifies that this does not prohibit the State from complying with obligations it may have to lease or transfer property pursuant to a contract entered into before the effective date of this bill, or pursuant to any amendment to that contract entered into before or after the effective date of this bill.

Finally, the law clarifies that expansion of an existing commercial solid waste disposal facility is exempt from certain restrictions in the law only if the expansion is not used for solid waste disposal.