

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. 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.

Sponsors(s)Committee ReportAmendments Adopted

OTP-AM

H-853

LD 1838 proposed to remove remaining statutory references to the Maine Waste Management Agency, which was abolished by legislation enacted in the 1st Regular Session of the 117th Legislature. It also proposed to clarify that certain rules adopted by the Maine Waste Management Agency under sections of law repealed in 1995 are no longer in effect.

Committee Amendment "A" (H-853) proposed to discontinue or transfer some of the program responsibilities transferred to the State Planning Office from the former Maine Waste Management Agency. See the enacted law summary (2nd paragraph to end of summary) for a description of the committee amendment.

Enacted law summary

Public Law 1995, chapter 656 removes remaining statutory references to the Maine Waste Management Agency, which was abolished in legislation enacted in the 1st Regular Session of the 117th Legislature. It also clarifies that rules adopted by MWMA pursuant to sections of law repealed in 1995 are no longer effective.

The law also discontinues or transfer some of the program responsibilities transferred to the State Planning Office from the former Maine Waste Management Agency.

The law:

1. Requires businesses to take solid waste reduction investment tax credits by the end of the tax year ending not later than June 30, 1998 and requires the State Planning Office to notify persons who have been certified for the tax credit of this deadline;
2. Changes the requirement to revise the Maine solid waste management and recycling plan from every 2 years to every 5 years, but requires the State Planning Office to report data and a trend analysis every 2 years;
3. Eliminates the State Planning Office responsibility for researching and writing a report on plastic holding devices and for separately reporting on aseptic packaging recycling;
4. Removes authority to approve alternative labels for plastic containers and makes violations of labeling laws violation of the Maine Unfair Trade Practices Act;
5. Transfers the administration of the toxics-in-packaging rules to the Department of Environmental Protection;
6. Removes the State Planning Office from the Pollution Prevention Advisory Committee;
7. Removes the requirement that the State Planning Office evaluate municipal efforts to implement the waste management hierarchy and prepare a separate report to the Governor and Legislature on this progress. Evaluation of municipal progress toward the State 50% recycling goal continues;

8. Adds a preference for regional efforts when allocating the State Planning Office's waste management financial and technical assistance resources; and changes the maximum recycling grant local match requirement from 25% to 50%;
9. Clarifies the nature of marketing assistance and removes the requirement that the State Planning Office assist industries with reusing industrial and commercial wastes;
10. Removes the requirement that the State Planning Office assist the Department of Administrative and Financial Services with state agency recycling efforts and with assessing state agency waste reduction and recycling activities;
11. Eliminates the State Planning Office's mandatory role in providing business assistance with office paper recycling and instead authorize the office to provide such assistance;
12. Eliminates the requirement that the State Planning Office conduct a program of public education;
13. Makes the State Planning Office's participation in regional or national initiatives voluntary rather than mandatory; and
14. Eliminates the granting of exemptions from the prohibition against nonremovable rechargeable batteries.

**LD 1853 An Act to Reorganize and Redirect Aspects of the Site
Location of Development Laws**

PUBLIC 704

Sponsors(s)

Committee Report

Amendments Adopted

OTP-AM MAJ
ONTP MIN

H-876

LD 1853 is one of three pieces of legislation resulting from a study of the site location of development laws by the Land and Water Resources Council. This bill proposed to amend the municipal subdivision laws by requiring municipalities to prepare an estimate of the additional cost of municipal and state services caused by a proposed subdivision development. The estimate would be based on guidelines prepared by the State Planning Office.

This bill proposed to amend the state site location of development laws to:

1. Raise the threshold for requiring a site law permit for subdivisions from 5 lots on 20 acres to 15 lots on 30 acres;
2. Raise the threshold for requiring a site law permit for structures and subdivisions in “municipalities with capacity” . Structures up to 7 acres and subdivisions up to 100 acres located in such municipalities would not need a state site law permit;
3. Define “municipality with capacity” as:
 - A. Any municipality with subdivision regulations, site plan review regulations, a process for case-by-case review of structures, a planning board or other review authority, and resources to administer and enforce its ordinances; and
 - B. Beginning in 2003, any municipality with 2,500 or more residents;