

# 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 electronic originals  
(may include minor formatting differences from printed original)

STATE OF MAINE  
118TH LEGISLATURE

FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
NATURAL RESOURCES

JULY 1997

**MEMBERS:**

*Sen. Sharon Anglin Treat, Chair*

*Sen. John M. Nutting*

*Sen. Jeffrey H. Butland*

*Rep. G. Steven Rowe, Chair*

*Rep. David C. Shiah*

*Rep. Thomas Bull*

*Rep. Scott W. Cowger*

*Rep. Sharon Libby Jones*

*Rep. Linda Rogers McKee*

*Rep. Edward L. Dexter*

*Rep. Roy I. Nickerson*

*Rep. June C. Meres*

*Rep. Clifton Foster*

*Rep. Paul Bisulca*

**Staff:**

*Amy B. Holland, Legislative Analyst*

*Patrick T. Norton, Principal Analyst*

*Office of Policy and Legal Analysis*

*Room 101/107/135, 13 State House Station*

*Augusta, ME 04333*

*(207)287-1670*



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

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 1997**

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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

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 Regular 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 &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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>Bill held by Governor</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 First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY TRIPP	OTP-AM	S-189 S-393 MICHAUD

LD 1058 proposed to prohibit the Commissioner of Environmental Protection from entering into any interstate agreement relating to the transport of ozone and potentially requiring the State to undertake emissions reductions in addition to those specified in the federal Clean Air Act, 42 United States Code, section 7401 et seq., without the prior review and authorization of the Legislature. The bill proposed to require the joint standing committee of the Legislature having jurisdiction over natural resources matters to review a proposed agreement and to hold at least one public hearing on the proposed agreement. The bill also proposed to require the State Planning Office to assist the committee in its review by studying the impacts of the proposed agreement on the State's economy. It proposed to authorize the committee to report out legislation authorizing the commissioner to enter into the proposed agreement or disapproving the proposed agreement.

**Committee Amendment "A" (S-189)** proposed to change the title and replace the bill. The amendment proposed to require the Department of Environmental Protection to confer with the Joint Standing Committee on Natural Resources before it proposes any revisions to the state implementation plan that is required under the federal Clean Air Act that would require the State to implement new emissions reduction strategies or programs or substantially revise or terminate existing emissions reduction strategies or programs.

**Senate Amendment "A" to Committee Amendment "A" (S-393)** proposed to clarify that the per diem and expenses of Legislators must be paid from existing budgeted resources if it is necessary for the Joint Standing Committee on Natural Resources to meet during the interim between sessions.

*Enacted law summary*

Public Law 1997, chapter 531 requires the Department of Environmental Protection to confer with the Joint Standing Committee on Natural Resources before it proposes any revisions to the state implementation plan that is required under the federal Clean Air Act that would require the State to implement new emissions reduction strategies or programs or substantially revise or terminate existing emissions reduction strategies or programs. The law specifies that the per diem and expenses of Legislators must be paid from existing budgeted resources if it is necessary for the Joint Standing Committee on Natural Resources to meet during the interim between sessions.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEXTER	OTP-AM	H-175

LD 1074 proposed to amend the zoning adjustment statute to adopt "practical difficulty" standards for variances from dimensional standards in zoning ordinances. The bill proposed to allow a petitioner to obtain a variance from a dimensional standard, such as a yard setback, lot area, lot width or a frontage provision, upon a showing of practical difficulty that would be less stringent than must be made under "undue hardship" conditions in the Maine Revised Statutes, Title 30-A, section 4353, subsection 4.

**Committee Amendment "A" (H-175)** proposed to add to the zoning adjustment statute a fourth type of variance that may be granted from a zoning ordinance. It proposed to authorize a municipality to adopt an ordinance that permits the board of appeals to grant a variance from the dimensional standards of a zoning ordinance, which are defined to include lot area, lot coverage, frontage and setback requirements, when strict application of the ordinance would cause a practical difficulty and certain conditions exist. The amendment proposed to prohibit the granting of this type of variance if the property is in the shoreland zone.

***Enacted law summary***

Public Law 1997, chapter 148 adds to the zoning adjustment statute a 4th type of variance that may be granted from a zoning ordinance. It authorizes a municipality to adopt an ordinance that permits the board of appeals to grant a variance from the dimensional standards of a zoning ordinance, which are defined to include lot area, lot coverage, frontage and setback requirements, when strict application of the ordinance would cause a practical difficulty and certain conditions exist. This type of variance may not be granted if the property is in the shoreland zone.

**LD 1095                      An Act Concerning State Mandated Municipal Landfill Remediation                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE MACKINNON	ONTP	

LD 1095 proposed to require the Commissioner of Environmental Protection to reimburse municipalities for 90% of the planning and implementation costs of remediation ordered by the commissioner at a municipal landfill identified as an uncontrolled hazardous substance site. Under current law, the department must reimburse municipalities for 90% of the costs of remediation at a municipal landfill, but if the landfill is identified as an uncontrolled hazardous substance site the commissioner may determine the amount of funds expended at the site.

See also LD 474.

**LD 1104                      An Act to Create an Evidentiary Privilege for Environmental Audits and Provide for Qualified Disclosure                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATERHOUSE CAREY	ONTP	

LD 1104 proposed to establish an environmental audit privilege to protect the confidentiality of communications relating to voluntary internal environmental audits in order to encourage owners and operators of facilities and other persons conducting activities regulated under the State's environmental laws, or the federal, regional or local counterpart or extension of those laws, to conduct voluntary internal environmental audits of their compliance programs and management systems and to assess and improve compliance with those laws. An environmental audit report would be privileged and not admissible if it met specific requirements, unless the person for whom the report