

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND  
NATURAL RESOURCES**

May 2014

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**STATE OF MAINE**  
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**LEGISLATIVE DIGEST OF BILL SUMMARIES AND**  
**ENACTED LAWS**

The *Digest* is arranged within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*.....carried over to a subsequent session of the Legislature  
*CON RES XXX* ..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES* .....House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE* ..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT* ..... action incomplete when session ended; legislation died  
*EMERGENCY* .....enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*.....emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*.....legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*.....sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*.....ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX* ..... chapter # of enacted public Law  
*RESOLVE XXX* ..... chapter # of finally passed resolve  
*VETO SUSTAINED*.....Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 126<sup>th</sup> Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Environment and Natural Resources*

- 2. Deposit solid waste stabilization assessment funds in a solid waste stabilization account within the Maine Solid Waste Management Fund;
- 3. Disburse the funds from the solid waste stabilization account through periodic payments to qualified municipalities and recycling and composting programs located in the State; and
- 4. Develop a process to maximize the use of existing incineration facilities in the State and increase the amount of Maine-sourced solid waste that is processed at those facilities annually and report its recommendations to the Joint Standing Committee on Energy, Utilities and Technology by January 1, 2014.

**Committee Amendment "A" (S-386)**

This amendment is the majority report of the committee and replaces the original bill. It requires that the practices of an applicant for a waste facility license be consistent with the State's solid waste management hierarchy. It directs the Department of Environmental Protection to adopt rules incorporating the State's solid waste management hierarchy as a review criterion for waste facility licensing approval. It also adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-389)**

This amendment removes the appropriations and allocations section.

**Enacted Law Summary**

Public Law 2013, chapter 458 requires that the practices of an applicant for a waste facility license be consistent with the State's solid waste management hierarchy. It also directs the Department of Environmental Protection to adopt rules incorporating the State's solid waste hierarchy as a review criterion for waste facility licensing approval.

**LD 1528      Resolve, To Provide for Livable, Affordable Neighborhoods      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R BOYLE	ONTP	

This resolve was carried over from the First Regular Session of the 126th Legislature.

The purpose of this resolve is to encourage the preservation and development of livable, affordable neighborhoods. This resolve:

- 1. Directs the Department of Transportation to review the report titled "Designing Walkable Urban Thoroughfares: A Context Sensitive Approach" (Institute of Transportation Engineers and Congress for New Urbanism, 2010) and develop recommendations on the incorporation of concepts from that report into the Sensible Transportation Policy Act. This resolve specifically directs the department to consider the following concepts from that report: promoting a collaborative, multidisciplinary process involving certain transportation facilities; and designing urban thoroughfares that emphasize walkable communities to facilitate the restoration of the multiple functions of urban streets. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Transportation by December 4, 2013;
- 2. Directs the Department of Agriculture, Conservation and Forestry to develop a conservation development model encouraging productive use of rural lands, providing traditional resource-based industries with opportunities for value-added business, and providing rural towns with the financial ability to sustain local services and keep those who work the land free of conflicts with advancing suburban development. The department is directed to submit its

**Joint Standing Committee on Environment and Natural Resources**

recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 4, 2013; and

3. Directs the Department of Agriculture, Conservation and Forestry to develop a compact village development model designed to promote relatively high residential density with mixed land uses to serve as an alternative to low-density sprawl. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 4, 2013.

**LD 1634      An Act To Allow an Earlier Implementation Date for an Architectural Paint Stewardship Program      PUBLIC 483**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO GRANT	OTP ONTP	

This bill allows for an earlier implementation date for a paint stewardship program under the State's architectural paint stewardship statute if an earlier date is proposed by a producer or representative organization and that date is approved by the Commissioner of Environmental Protection. Current law provides that a Commissioner-approved architectural paint stewardship program cannot be implemented until the later of July 1, 2015 or three months after the plan is approved. This bill also makes a technical correction to a cross-reference within the State's architectural paint stewardship statute.

**Enacted Law Summary**

Public Law 2013, chapter 483 amends the current law governing the State's architectural paint stewardship program to allow for an earlier implementation date for a paint stewardship program if an earlier date is proposed by a producer or representative organization and that date is approved by the Commissioner of Environmental Protection. It also makes a technical correction to a cross-reference in the same law.

**LD 1644      An Act To Allow the City of Saco To Stabilize the Coastline and Coastal Sand Dune System Adjacent to the Saco River      P & S 24**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO CHENETTE	OTP-AM ONTP	S-405

This bill exempts municipalities from certain permitting requirements under the Natural Resources Protection Act for adding sand or other materials to an eroded sand dune, or constructing a structure on a sand dune for stabilization purposes, where erosion was caused by the construction, erection, improvement or maintenance of a structure by the Federal Government, or a structure owned by the Federal Government.

**Committee Amendment "A" (S-405)**

This amendment is the majority report of the committee and replaces the original bill. It allows the City of Saco to undertake certain limited property and municipal infrastructure protection measures without a Natural Resources Protection Act permit along the coastline and within the coastal sand dune system and waterways of the Saco River Harbor area, the Saco River Federal Navigation Project area, the Camp Ellis Beach area and the Ferry Beach area prior to completion of a River and Harbor Act of 1968, Section 111 project for prevention or mitigation of shore damages for the Saco River and Camp Ellis Beach. It authorizes the Department of Environmental Protection to approve an individual permit for the City of Saco to undertake, over a seven-year period, annual maintenance dredging of the Saco River channel and harbor and to use the dredged materials as beach nourishment on Camp Ellis Beach and Ferry Beach in Saco. It authorizes the City of Saco to continue annual dredging and beach