

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and 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. An appendix provides a summary of relevant session statistics.

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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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*

3. It amends provisions regarding the administration of the commission, including providing authorization for Legislative Council staffing when the Legislature is not in session and clarifying member compensation and outside funding provisions.

The amendment also adds an appropriations and allocations section.

**LD 1298 An Act To Update Maine's Water Quality Standards**

**PUBLIC 319**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW D	OTP-AM	H-574

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill updates Maine's water quality standards by aligning state law with the federal Clean Water Act regarding pesticide application to control invasive plants and mosquito-borne disease and authorizing the Department of Environmental Protection to use an alternative low-flow requirement when assessing the impact of nutrients on water quality, contingent upon the department's adopting nutrient rules.

**Committee Amendment "A" (H-574)**

This amendment amends the provisions of the bill that update Maine's water quality standards by aligning state law with federal Clean Water Act requirements for pesticide application to control invasive plants and mosquito-borne disease and adds provisions to align state law with such requirements for dissolved oxygen. The amendment further updates Maine's water quality standards to be consistent with guidance issued by the United States Environmental Protection Agency regarding recreational water quality criteria for bacteria. The amendment retains the provision of the bill that authorizes the Department of Environmental Protection to use an alternative low-flow requirement when assessing the impact of nutrients on water quality, contingent upon the department's adopting nutrient rules.

**Enacted Law Summary**

Public Law 2017, chapter 319 updates Maine's water quality standards by aligning state law with the federal Clean Water Act regarding pesticide application to control invasive plants and mosquito-borne disease. It further updates Maine's water quality standards in a manner consistent with guidance issued by the United States Environmental Protection Agency regarding recreational water quality criteria for bacteria. It also authorizes the Department of Environmental Protection to use an alternative low-flow requirement when assessing the impact of nutrients on water quality, contingent upon the department's adopting nutrient rules.

**LD 1534 An Act To Reduce Food Waste in Maine**

**PUBLIC 369**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C SAVIELLO T	OTP-AM	H-634

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill creates the Maine food producers donation tax credit. The tax credit program allows food producers to apply for a tax credit equal to 50% of the fair market value of the donated food when they donate such food to a nonprofit food assistance organization or school. The Department of Administrative and Financial Services, Bureau of Revenue Services may not authorize more than \$150,000 in tax credits per fiscal year. The bill directs the bureau

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

to adopt rules to implement the Maine food producers donation tax credit.

The bill also includes immunity from civil liability in regards to injury, illness or death due to the condition of the donated food for a charitable or nonprofit organization and its employees who distribute food without charge or at less than fair market value. The immunity also applies to a hospital or health care facility or eating establishment that donates food. The bill directs the Department of Health and Human Services to develop and publish a summary of liability protections for food donors and distributors of donated food.

The bill also creates the Maine Food Recovery Commission, consisting of 13 members, five of whom are Legislators. The commission must meet four times to review and evaluate the economic, environmental and human costs of food waste in Maine and assess current systems of food production, distribution and waste to determine where and how food is wasted in a manner inconsistent with Maine's food recovery hierarchy as well as to develop a strategy to address any inconsistencies with the food recover hierarchy. The commission is required to submit a report by December 6, 2017 to the Joint Standing Committee on Environment and Natural Resources with its findings and recommendations, including suggested legislation.

**Committee Amendment "A" (H-634)**

This amendment changes the title, replaces the bill and directs the Department of Environmental Protection, as resources allow, to develop and maintain on its publicly accessible website a food recovery database of guidance documents, model policies, program resources and other educational and technical materials relevant to food recovery and food waste reduction efforts that may be implemented by government entities, counties, municipalities, educational institutions, businesses and members of the public.

The amendment also removes the emergency preamble and emergency clause from the bill.

**Enacted Law Summary**

Public Law 2017, chapter 369 directs the Department of Environmental Protection, as resources allow, to develop and maintain on its publicly accessible website a food recovery database of guidance documents, model policies, program resources and other educational and technical materials relevant to food recovery and food waste reduction efforts that may be implemented by government entities, counties, municipalities, educational institutions, businesses and members of the public.

**LD 1657      An Act To Update the Allowance Budget for the Regional Greenhouse Gas Initiative      PUBLIC 323**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM	H-575

This bill establishes for each year from 2021 to 2030 the amount of allowances the State can auction as a participant in the regional greenhouse gas initiative. It also establishes the adjustments for banked allowances that must be made to the base annual carbon dioxide emissions budgets for 2021 to 2025.

**Committee Amendment "A" (H-575)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2017, chapter 323 establishes for each year from 2021 to 2030 the amount of allowances the State can auction as a participant in the regional greenhouse gas initiative. It also establishes the adjustments for banked allowances that must be made to the base annual carbon dioxide emissions budgets for 2021 to 2025.