MAINE STATE LEGISLATURE

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STATE OF MAINE

128TH 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

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS

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 128th 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 128th 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.

LD 1784   **An Act To Update the Laws Governing the Department of Environmental Protection's Rule-making Authority Concerning Underground Oil Storage Facilities To Align with Federal Regulations**   **PUBLIC 333 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
KINNEY J	OTP-AM	H-582

This bill amends the laws governing the Department of Environmental Protection's rule-making authority pertaining to underground oil storage tanks.

Committee Amendment "A" (H-582)

This amendment adds an emergency preamble and emergency clause to the bill.

LD 1797   **Resolve, Regarding Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a Major Substantive Rule of the Department of Environmental Protection**   **RESOLVE 39 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-670

This resolve provides for legislative review of portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-670)

This amendment amends the resolve by authorizing final adoption of portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes only if the following amendments to the rule are incorporated prior to final adoption:

1. The rule is amended to allow the beneficial use of emulsified asphalt encapsulated contaminated soil that is produced from soils contaminated with contaminants other than oil only upon the issuance of a beneficial use license pursuant to the rule; and

2. The rule is amended to authorize the department to require a beneficial use licensee authorized pursuant to the rule to use secondary material as construction fill to implement an environmental monitoring plan, subject to review and approval by the department.

Enacted Law Summary

Resolve 2017, chapter 39 authorizes final adoption of portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a major substantive rule of the Department of Environmental Protection that was submitted for legislative review, only if the following amendments to the rule are incorporated prior to final adoption:

1. The rule is amended to allow the beneficial use of emulsified asphalt encapsulated contaminated soil that is produced from soils contaminated with contaminants other than oil only upon the issuance of a beneficial use license pursuant to the rule; and

2. The rule is amended to authorize the department to require a beneficial use licensee authorized pursuant to the rule to use secondary material as construction fill to implement an environmental monitoring plan, subject to review