

# 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**

October 2018

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# STATE OF MAINE

128<sup>TH</sup> 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 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*

**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**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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**

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

*Joint Standing Committee on Environment and Natural Resources*

and approval by the department.

Resolve 2017, chapter 39 was finally passed as an emergency measure effective April 4, 2018.

**LD 1807      An Act To Implement Recommendations Resulting from a State Government Evaluation Act Review of the Board of Environmental Protection by the Joint Standing Committee on Environment and Natural Resources      PUBLIC 334**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-600

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 and then referred back to the committee for processing in the normal course. The bill implements recommendations resulting from the committee's State Government Evaluation Act review of the Board of Environmental Protection as follows.

1. It clarifies that a member of the board continues to serve until that member has been reappointed or a successor has been appointed.
2. It clarifies that the participation of the Public Utilities Commission in appeals to the board of license or permit decisions relating to expedited wind energy development, offshore wind energy demonstration projects or tidal energy demonstration projects is optional and at the discretion of the commission's chair.

**Committee Amendment "A" (H-600)**

This amendment clarifies that a member of the Board of Environmental Protection may not continue to serve for more than one year after that member's term expires if the member has not been reappointed or a successor has not been appointed by that time.

**Enacted Law Summary**

Public Law 2017, chapter 334 amends the laws governing the Board of Environmental Protection as follows.

1. It clarifies that a member of the board may not continue to serve for more than one year after that member's term expires if the member has not been reappointed or a successor has not been appointed by that time.
2. It clarifies that the participation of the Public Utilities Commission in appeals to the board of license or permit decisions relating to expedited wind energy development, offshore wind energy demonstration projects or tidal energy demonstration projects is optional and at the discretion of the commission's chair.

**LD 1808      An Act To Implement Recommendations Resulting from a State Government Evaluation Act Review of the Department of Environmental Protection by the Joint Standing Committee on Environment and Natural Resources      PUBLIC 376**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-608

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 and then referred back to the committee for processing in the normal course. The bill implements recommendations