

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

STAFF:

DANIEL TARTAKOFF, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

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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.

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

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resulting from the committee's State Government Evaluation Act review of the Department of Environmental Protection as follows.

1. It removes a statutory provision prohibiting a repeat violator of the same environmental law from taking advantage of a supplemental environmental project to mitigate an assessed civil penalty.
2. It allows a violator of an environmental law to offset up to 100% of an assessed civil penalty by conducting a supplemental environmental project. Under current law, such a violator may offset no more than 80% of an assessed civil penalty by conducting a supplemental environmental project.
3. It clarifies two statutory exemptions from the requirement that air contamination sources maintain continuous emission monitoring systems to mitigate a conflict between the current statutory provisions on continuous emission monitoring and existing applicable federal regulations.
4. It provides that the solid waste generation and disposal capacity report the department currently must submit annually to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters must be submitted only biennially.

Committee Amendment "A" (H-608)

This amendment strikes from the bill the provision that clarifies two statutory exemptions from the requirement that air contamination sources maintain continuous emission monitoring systems to mitigate a conflict between the current statutory provisions on continuous emission monitoring and existing applicable federal regulations.

Enacted Law Summary

Public Law 2017, chapter 376 amends the laws administered and enforced by the Department of Environmental Protection as follows.

1. It removes a statutory provision prohibiting a repeat violator of the same environmental law from taking advantage of a supplemental environmental project to mitigate an assessed civil penalty.
2. It allows a violator of an environmental law to offset up to 100% of an assessed civil penalty by conducting a supplemental environmental project. Under current law, such a violator may offset no more than 80% of an assessed civil penalty by conducting a supplemental environmental project.
3. It provides that the solid waste generation and disposal capacity report the department currently must submit annually to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters must be submitted only biennially.

LD 1847 An Act To Amend the State's Electronic Waste Laws

PUBLIC 391

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-696

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 38, section 1772, subsection 5 and then referred back to the committee for processing in the normal course. The bill amends the State's electronic waste laws as follows.

1. It changes the basis on which consumer electronic device manufacturers are billed for recycling costs.
2. It changes the due date for consumer electronic device manufacturer annual registration from July 1st to April