

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2019

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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/>

*Committee member for a portion of the session

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th 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 date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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beverage can be consumed while the cap remains screwed onto or otherwise affixed to the container.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 112 An Act To Implement Changes to Maine's Solid Waste Laws Pursuant to a Review of the State Waste Management and Recycling Plan PUBLIC 291

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM	H-439

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to implement changes to the laws governing the management, reduction and recycling of solid waste determined necessary based on a review of revisions to the state waste management and recycling plan prepared by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, section 2122 and submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters pursuant to Title 38, section 2124.

Committee Amendment "A" (H-439)

This amendment replaces the bill, which is a concept draft, and makes the following changes to the State's solid waste management laws.

Part A of the amendment:

1. Amends a definition in the State's solid waste management laws for the term "bypass";
2. Specifies through legislative findings and statements of legislative intent that the purpose, management and operation of State-owned solid waste disposal facilities must be consistent with the solid waste management hierarchy under the Maine Revised Statutes, Title 38, section 2101;
3. Stipulates that the Department of Environmental Protection may authorize the land disposal of non-bypass, unprocessed municipal solid waste at State-owned solid waste disposal facilities only when a specific need for the disposal has been identified by the Department of Administrative and Financial Services, Bureau of General Services and the facility operator, the disposal is consistent with the solid waste management hierarchy and options for the management of the waste that represent a higher priority on the hierarchy are not otherwise reasonably available; and
4. Authorizes the Department of Environmental Protection to limit the volume of municipal solid waste disposed of at a State-owned solid waste disposal facility and the duration of such disposal through imposition of such limitations under the facility's license.

Part B of the amendment:

1. Requires that, beginning March 1, 2020 and annually thereafter, a recycling establishment engaged in the marketing, brokering or purchasing of recyclable materials generated in the State report to the department regarding its recycling of such materials;
2. Clarifies the existing recycling reporting requirement for municipalities and changes the reporting to biennial rather than annual; and
3. Changes the existing due date for the department's report on statewide generation of solid waste, recycling rates

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and available disposal capacity to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters from January 1, 2020 and biennially thereafter to January 1, 2021 and biennially thereafter.

Enacted Law Summary

Public Law 2019, chapter 291 makes the following changes to the State's solid waste management laws:

1. It amends a definition in the State's solid waste management laws for the term "bypass";
2. It specifies through legislative findings and statements of legislative intent that the purpose, management and operation of State-owned solid waste disposal facilities must be consistent with the solid waste management hierarchy under the Maine Revised Statutes, Title 38, section 2101;
3. It stipulates that the Department of Environmental Protection may authorize the land disposal of non-bypass, unprocessed municipal solid waste at State-owned solid waste disposal facilities only when a specific need for the disposal has been identified by the Department of Administrative and Financial Services, Bureau of General Services and the facility operator, the disposal is consistent with the solid waste management hierarchy and options for the management of the waste that represent a higher priority on the hierarchy are not otherwise reasonably available;
4. It authorizes the Department of Environmental Protection to limit the volume of municipal solid waste disposed of at a State-owned solid waste disposal facility and the duration of such disposal through imposition of such limitations under the facility's license;
5. It requires that, beginning March 1, 2020 and annually thereafter, a recycling establishment engaged in the marketing, brokering or purchasing of recyclable materials generated in the State report to the department regarding its recycling of such materials;
6. It clarifies the existing recycling reporting requirement for municipalities and changes the reporting to biennial rather than annual; and
7. It changes the existing due date for the department's report on statewide generation of solid waste, recycling rates and available disposal capacity to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters from January 1, 2020 and biennially thereafter to January 1, 2021 and biennially thereafter.

LD 197 An Act To Convene a Working Group To Authorize a Public Trust for ONTP
Maine's Groundwater and To Impose a 2-year Moratorium on
Large-scale Groundwater Extraction

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

This bill was originally referred to the Energy, Utilities and Technology Committee, which reported the bill out with a majority of its members supporting reference to the Environment and Natural Resources Committee and a minority of its members supporting an "ought not to pass" report. The bill was subsequently referred to the Environment and Natural Resources Committee.