

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the Second Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124th Legislature is Monday, July 12, 2010. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Natural Resources

LD 1631 An Act To Provide Leadership Regarding the Responsible Recycling of Consumer Products

PUBLIC 516

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
INNES GOODALL	OTP-AM	H-673

This bill establishes a product stewardship law under the Department of Environmental Protection.

The bill requires the department to establish procedures for identifying products that are appropriate for a product stewardship program and to designate specific products and product categories that are subject to the product stewardship program requirements. The bill also sets forth factors that must be considered by the department in making this determination, including, but not limited to, the degree to which the product poses an adverse impact to the environment and public health, opportunities for the development of business and opportunities for energy conservation and reduction of waste and toxicity. Under the bill, producers of the designated products must participate in product stewardship programs established and paid for by the producers of the products. If a producer of a designated product does not participate in an approved product stewardship program, that producer's product may not be sold in or into the State as of an implementation date to be established by the department. The bill requires producers of designated products to submit to the department for approval product stewardship plans and proposed changes to established plans. The bill also authorizes the department to amend, suspend or cancel its approval of a product stewardship plan and requires product stewardship programs to submit annual reports.

Committee Amendment "A" (H-673)

This amendment replaces the bill. The amendment authorizes the Department of Environmental Protection to submit on an annual basis a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on products and product categories that when generated as waste may be appropriately managed under a product stewardship program. The amendment authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit annually a bill to establish new product stewardship programs or revise existing product stewardship programs after the committee's review of the department report.

Enacted Law Summary

Public Law 2009, chapter 516 authorizes the Department of Environmental Protection to submit on an annual basis a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on products and product categories that when generated as waste may be appropriately managed under a product stewardship program. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit annually a bill to establish new product stewardship programs or revise existing product stewardship programs after the committee's review of the department report.

LD 1632 Resolve, Regarding Biofuel in Number 2 Heating Oil

RESOLVE 210

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTTERFIELD BARTLETT	OTP-AM	H-690 S-541 DIAMOND

Joint Standing Committee on Natural Resources

This bill requires that, beginning July 1, 2011, heating fuel sold for use in the State must have a sulfur content of no more than 15 parts per million and must contain at least 2% biofuel. As production of biofuel in the State increases, the percentage of biofuel required also increases. The bill also authorizes the Governor to waive the ultra-low sulfur and biofuel requirements.

Committee Amendment "A" (H-690)

This amendment replaces the bill and changes the title. The amendment establishes state goals for the percentage of biofuel that number 2 heating oil must contain. The amendment also directs the Executive Department, Governor's Office of Energy Independence and Security to oversee a study of and report on the feasibility of setting a requirement for the percentage of biofuel to be used in number 2 heating oil. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to submit a bill related to the subject matter of the report.

Senate Amendment "A" To Committee Amendment "A" (S-541)

This amendment changes the bill to a resolve and eliminates the provision that establishes state goals for the percentage of biofuel that number 2 heating oil must contain.

Enacted Law Summary

Resolve 2009, chapter 210 directs the Executive Department, Governor's Office of Energy Independence and Security to oversee a study of and report on the feasibility of setting a requirement for the percentage of biofuel to be used in number 2 heating oil. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to submit a bill related to the subject matter of the report.

LD 1633 An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON	OTP-AM	H-629

This bill allows municipal landfills that were allowed to remain in operation after January 1, 2000 but are subsequently ordered closed or encapsulated by December 31, 2014 because they do not meet current environmental protection standards to receive funding from the State's remediation and closure program for a portion of closure costs if funding is available.

Committee Amendment "A" (H-629)

The amendment strikes the provision in the bill that allows licensed municipal landfills to use reduced closure procedures. It also makes the State's cost-share program for municipal landfill closure applicable to municipal landfills that were originally licensed on or before September 1, 1989 and contingent on a finding that the landfill is contaminating groundwater and that corrective actions have not been successful.