

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2011

MEMBERS:

SEN. THOMAS B. SAVIELLO, CHAIR
SEN. ROGER L. SHERMAN
SEN. SETH A. GOODALL

REP. JAMES M. HAMPER, CHAIR
REP. BERNARD L. A. AYOTTE
REP. JANE S. KNAPP
REP. JOAN M. NASS
REP. RICKY D. LONG
REP. JAMES W. PARKER
REP. ROBERT S. DUCHESNE
REP. MELISSA WALSH INNES
REP. JOAN W. WELSH
REP. DENISE PATRICIA HARLOW

STAFF:

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th 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. 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 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 125th Legislature is September 28, 2011. 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

tanks that have been out of service for a period of more than 24 months from being brought back into service without the written approval of the Commissioner of Environmental Protection. It directs the Department of Environmental Protection to report to the Fund Insurance Review Board data and associated information related to incidents of leaks or spills resulting from the double-walled underground oil storage tank exception to the otherwise mandatory replacement upon the expiration of the manufacturer's warranty. It directs the Department of Environmental Protection to amend its rules to allow the retrofitting of single-walled underground storage tanks with secondary containment systems prior to the expiration of the tank manufacturer's warranty and to allow the upgrading of related piping.

LD 728 An Act To Reduce Truck Travel Caused by the Bottle Redemption Laws ONTP

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

This bill removes the current obligation in rule that requires a distributor to pick up a redemption center every time the distributor makes a delivery of product to any dealer or retailer that has an agreement with that redemption center. It replaces that obligation with a statutory obligation to pick up beverage containers at every redemption center every 30 days and to make additional pick ups when the redemption center has accumulated \$750 worth of beverage containers.

LD 733 An Act To Allow a Person Who Has Lost a Home in a Shoreland Zone To Obtain a Building Permit ONTP

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

This bill allows an owner of a structure in a shoreland zone up to 36 months to obtain a building permit to rebuild or replace the structure when the structure has been removed, damaged or destroyed to the extent that it has lost over 50% of its market value.

LD 781 An Act To Establish Flushability Standards for Consumer Products Advertised as Flushable Carried Over

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

This bill prohibits the packaging or labeling of consumer products for distribution or sale in the State if the package or label states that the product is flushable or safe for sewer and septic systems unless the product meets the acceptance criteria for flushability as published in the Guidance Document for Assessing the Flushability of Nonwoven Consumer Products, published by the Association of the Nonwoven Fabrics Industry in effect on January 1, 2011.

Joint Standing Committee on Environment and Natural Resources

LD 781 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 839 Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel DIED IN CONCURRENCE

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR	ONTP MAJ OTP-AM MIN	H-277

This resolve requires the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding motor fuel and fuel additives, including but not limited to acetaldehyde in ethanol motor fuel. The stakeholder group is directed to study the State's compliance with the federal Clean Air Act Amendments of 1990 with respect to emissions of acetaldehyde produced by the combustion of ethanol gasoline, and conduct a comprehensive review of the statewide costs associated with the acetaldehyde in ethanol motor fuel, including the corrosive effects of acetaldehyde on small engines, the effects of acetaldehyde on marine resources in the State and the negative impact such effects have on business in the State. The commissioner shall report the stakeholder group's findings to the Joint Standing Committee on Environment and Natural Resources by December 1, 2011. The committee may report out a bill to the Second Regular Session of the 125th Legislature.

Committee Amendment "A" (H-277)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

LD 862 Resolve, Directing the Department of Environmental Protection To Amend Its Rules Governing the Length of Time Certain Permits Are Valid RESOLVE 46

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	OTP-AM	S-56

This resolve directs the Department of Environmental Protection to amend its rules governing the protection of natural resources, site location of development and storm water to provide that permits issued with respect to these areas are valid for 5 years after they are issued and that a person who holds such a permit has 10 years to complete a project pursuant to such a permit.

Committee Amendment "A" (S-56)

This amendment clarifies that the Department of Environmental Protection is required to amend its rules relating to the Natural Resources Protection Act. It also changes the time periods in the resolve to provide that permits issued with respect to the Natural Resources Protection Act and laws governing site location of development and storm water are valid for 4 years after they are issued and that a person who holds such a permit has 7 years to complete a project pursuant to that permit.

Enacted Law Summary

Resolve 2011, chapter 46 directs the Department of Environmental Protection to amend its rules to provide that permits issued with respect to the Natural Resources Protection Act and laws governing site location of development