

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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STATE OF MAINE

125TH LEGISLATURE
SECOND 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 Second 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.

<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; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation 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>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 125th Legislature is Thursday, August 30, 2012. 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

authorities as required.

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

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES	ONTP MAJ OTP MIN	

This bill was carried over from the First Regular Session of the 125th Legislature. The 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.

**LD 879 An Act To Ensure Adequate Landfill Capacity in the State for Solid
 Waste**

PUBLIC 566

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURTIS WHITTEMORE	OTP-AM MAJ OTP-AM MIN	H-774

This bill was carried over from the First Regular Session of the 125th Legislature. The bill amends the law regarding expansion of commercial solid waste disposal facilities and biomedical waste disposal or treatment facilities by authorizing a commercial landfill facility that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the person holding the commercial solid waste disposal facility license. It clarifies that an expanded facility may not receive a property tax exemption on real or personal property, and it provides that the department may not process or act upon any application until certain conditions are met.

Committee Amendment "A" (H-774)

This amendment is the majority report of the committee. The amendment amends the bill, which allows commercial landfill expansion, to strike an outdated reference relating to prohibiting expansion of a commercial landfill facility before March 1, 2011. The amendment incorporates provisions that amend the laws governing public benefit determinations by:

1. Clarifying that waste used for daily cover, frost protection or stability must be used in accordance with all applicable rules and licenses;
2. Requiring the applicant instead of the Commissioner of Environmental Protection to provide public notice of the filing of an application for public benefit determination and requiring the Department of Environmental Protection to accept written public comment during the course of processing the application;
3. Requiring the commissioner to hold a public meeting on an application for a public benefit determination. Currently, the commissioner is authorized to hold a public meeting;
4. Defining "immediate," "short-term" and "long-term" for the purpose of determining whether the capacity needs of

Joint Standing Committee on Environment and Natural Resources

the State are met. It requires the commissioner, when evaluating whether proposed facilities meet capacity needs of the State, to consider relevant local and regional needs as appropriate and the regional nature of the development and use of disposal capacity due to transportation distances and other factors;

5. Adding as a standard for determining whether the facility will provide a substantial public benefit that the facility or expansion must promote the solid waste management hierarchy;
6. Specifically authorizing the commissioner to issue a full or partial approval of an application, with or without conditions;
7. Clarifying that the public benefit determination review of a state-owned facility is a review that is independent of other contracts that may have been entered into between the State and the facility operator or any other party; and
8. Specifying that the modification of a public benefit determination is authorized if there has been a change in facility ownership or of the operator.

Enacted Law Summary

Public Law 2011, chapter 566 amends the law regarding expansion of commercial solid waste disposal facilities and biomedical waste disposal or treatment facilities by authorizing a commercial landfill facility that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the person holding the commercial solid waste disposal facility license. It clarifies that an expanded facility may not receive a property tax exemption on real or personal property, and it provides that the department may not process or act upon any application until certain conditions are met.

Chapter 566 also amends the laws governing public benefit determinations by:

1. Clarifying that waste used for daily cover, frost protection or stability must be used in accordance with all applicable rules and licenses;
2. Requiring the applicant instead of the Commissioner of Environmental Protection to provide public notice of the filing of an application for public benefit determination and requiring the Department of Environmental Protection to accept written public comment during the course of processing the application;
3. Requiring the commissioner to hold a public meeting on an application for a public benefit determination. Currently, the commissioner is authorized to hold a public meeting;
4. Defining "immediate," "short-term" and "long-term" for the purpose of determining whether the capacity needs of the State are met. It requires the commissioner, when evaluating whether proposed facilities meet capacity needs of the State, to consider relevant local and regional needs as appropriate and the regional nature of the development and use of disposal capacity due to transportation distances and other factors;
5. Adding as a standard for determining whether the facility will provide a substantial public benefit that the facility or expansion must promote the solid waste management hierarchy;
6. Specifically authorizing the commissioner to issue a full or partial approval of an application, with or without conditions;
7. Clarifying that the public benefit determination review of a state-owned facility is a review that is independent of other contracts that may have been entered into between the State and the facility operator or any other party; and
8. Specifying that the modification of a public benefit determination is authorized if there has been a change in facility ownership or of the operator.