

MAINE STATE LEGISLATURE

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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

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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

LD 969

Resolve, To Adjust Composting Limits for Farms

**RESOLVE 60
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY COURTNEY	OTP-AM MAJ OTP-AM MIN	H-196 H-233 HAMPER

This resolve requires the Department of Environmental Protection to amend its rules to increase the maximum cubic yards of Type IB and Type IC residuals that a farm may compost in any 30-day period from 30 to 100 cubic yards.

This resolve was jointly referred to the Joint Standing Committees on Environment and Natural Resources and Agriculture, Conservation and Forestry.

Committee Amendment "A" (H-196)

This amendment is the majority report of the Joint Standing Committee on Environment and Natural Resources and the Joint Standing Committee on Agriculture, Conservation and Forestry. It directs the Department of Agriculture, Food and Rural Resources to review exemptions from licensing under the Department of Environmental Protection that are contingent on a composting facility's operating in accordance with a compost management plan approved by the Department of Agriculture, Food and Rural Resources. The Commissioner of Agriculture, Food and Rural Resources is directed to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 3, 2012 with recommendations for any statutory changes needed to clarify or enhance the department's oversight of agricultural composting operations. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out a bill in the Second Regular Session of the 125th Legislature.

House Amendment "A" to Committee Amendment "A" (H-233)

This amendment requires the Department of Environmental Protection to amend its rules to increase the maximum cubic yards of Type IB and Type IC residuals that a farm may compost in any 30-day period to 60 cubic yards, instead of 100 cubic yards as proposed in the resolve, and requires that the farm be operated in accordance with a compost management plan approved by the Department of Agriculture, Food and Rural Resources. It directs the Department of Environmental Protection, in addition to the Department of Agriculture, Food and Rural Resources, to review agricultural composting operations that are exempt from licensing as a solid waste facility under rules adopted by the Department of Environmental Protection. It directs the Commissioner of Environmental Protection, in addition to the Commissioner of Agriculture, Food and Rural Resources, to report to the Joint Standing Committee on Agriculture, Conservation and Forestry with recommendations regarding oversight of agricultural composting operations. The amendment also adds an emergency preamble and an emergency clause.

Enacted Law Summary

Resolve 2011, chapter 60 requires the Department of Environmental Protection to amend its rules to increase the maximum cubic yards of Type IB and Type IC residuals that a farm may compost in any 30-day period from 30 to 60 cubic yards and requires that the farm be operated in accordance with a compost management plan approved by the Department of Agriculture, Food and Rural Resources. It directs the Department of Agriculture, Food and Rural Resources and the Department of Environmental Protection to review agricultural composting operations that are exempt from licensing as a solid waste facility under rules adopted by the Department of Environmental Protection. It directs the Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Environmental Protection to report to the Joint Standing Committee on Agriculture, Conservation and Forestry with recommendations regarding oversight of agricultural composting operations.

Joint Standing Committee on Environment and Natural Resources

Resolve 2011, chapter 60 was finally passed as an emergency measure effective June 3, 2011.

**LD 981 An Act To Increase Recycling Jobs in Maine and Lower Costs for
Maine Businesses Concerning Recycled Electronics**

**PUBLIC 250
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES SNOWE-MELLO	OTP-AM	H-315

This bill provides that the recycling of covered electronic devices received at collection sites and events from small universal waste generators is the manufacturer's responsibility. It clarifies that a manufacturer must register with the State prior to selling covered electronic devices in the State and must report sales information on annual registrations in terms of national numbers. In addition, this bill modifies the annual manufacturer registration fee from a flat fee to a tiered system based on a manufacturer's annual national unit sales of covered electronic devices, and exempts certain historic manufacturers from the registration fee requirements. It changes the reporting requirements from every 2 years to being a part of the product stewardship report.

Committee Amendment "A" (H-315)

Current law covers only households in the State's electronic waste recycling laws. The bill expands that by covering small universal waste generators as well as households. The amendment removes the bill's coverage of small universal waste generators and expands current coverage to small businesses and nonprofit organizations that employ 100 or fewer individuals and primary and secondary schools. The amendment adds a provision that limits the number of covered electronic devices that may be dropped off at municipal collection sites or consolidator-sponsored collection events to 7 devices, unless the municipal collection site or consolidator is willing to accept additional devices. The amendment adds a provision that allows for the controlled breakage of cathode ray tubes by licensed electronics demanufacturing facilities if the facilities demonstrate to the Department of Environmental Protection that they meet specified environmental health and safety standards. The amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Current law covers only households in the State's electronic waste recycling laws. Public Law 2011, chapter 250 expands current coverage to small businesses and nonprofit organizations that employ 100 or fewer individuals and primary and secondary schools. It limits the number of covered electronic devices that may be dropped off at municipal collection sites or consolidator-sponsored collection events to 7 devices, unless the municipal collection site or consolidator is willing to accept additional devices. It clarifies that a manufacturer must register with the State prior to selling covered electronic devices in the State and must report sales information on annual registrations in terms of national numbers. It modifies the annual manufacturer registration fee from a flat fee to a tiered system based on a manufacturer's annual national unit sales of covered electronic devices, and exempts certain historic manufacturers from the registration fee requirements. It changes the reporting requirements from every 2 years to being a part of the product stewardship report. Chapter 250 also allows for the controlled breakage of cathode ray tubes by licensed electronics demanufacturing facilities if the facilities demonstrate to the Department of Environmental Protection that they meet specified environmental health and safety standards.

Public Law 2011, chapter 250 was enacted as an emergency measure effective June 8, 2011.