

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

8. The definition of "consumer product" is narrowed to mean items sold for indoor use in a residence, child care facility or school, or for outdoor residential use if children may have direct contact with the items.
9. Definitions of "credible scientific evidence" and "practical quantification limit" have been added.
10. The criteria to be considered for designating a priority chemical are reduced from 6 to 3.
11. In determining whether a safer alternative is available, the Department of Environmental Protection may presume that a safer alternative is available if another state bans that chemical only if that state based its action on the availability of safer alternatives.
12. It provides that the Department of Environmental Protection may consider the extent to which a chemical is adequately regulated by the Federal Government or another state agency in Maine in exercising its discretionary authority under the law.
13. It provides that the following are exempt from the requirements for disclosing information for priority chemicals and from any sales prohibition:
 - A. Inaccessible components, except that the Department of Environmental Protection may adopt a rule based on a case-by-case evaluation to subject inaccessible components to those requirements; and
 - B. A priority chemical that occurs in a product component only as a contaminant, if the manufacturer had a manufacturing control plan and exercised due diligence.
14. It allows a manufacturer 30 days instead of 10 days to respond to the Department of Environmental Protection's request for a certificate of compliance.
15. It provides that any reporting requirements for products containing existing priority chemicals that have been adopted by rule by the Department of Environmental Protection are extended to the effective date of this legislation. It makes this provision retroactive to the date the reports are currently required, July 8, 2011.

LD 1146 Resolve, To Direct the Department of Environmental Protection To ONTP
Adopt Rules Establishing Sound Level Limits for Wind Turbines

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

This resolve directs the Department of Environmental Protection to adopt rules regulating sound level limits for industrial grade wind turbines for sound generated both in the audible range and in the low frequency subaudible range.

LD 1156 An Act To Exempt from Subdivision Requirements Land Sold by 65 ONTP
Years of Age or Older Persons

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

Joint Standing Committee on Environment and Natural Resources

This bill permits a landowner who is 65 years of age or older to sell a tract or parcel of land once a year without creating a lot for subdivision purposes as long as the division of land is in compliance with local ordinances.

LD 1185 An Act To Amend the Process for Prioritizing Toxic Chemicals in Children's Products ONTP

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

The bill amends the law to require the Commissioner of Environmental Protection by January 1, 2012 to establish a list of chemicals that are candidates for designation as a priority chemical based on similar listings of other authoritative agencies or demonstrated potential to expose children to that chemical from its use in children's products. Under the bill, the candidate list is a subset of the list of chemicals of high concern, which is already established under existing law. The bill further requires that, after January 1, 2012, a chemical may be designated as a priority chemical only if it is included on the candidate list and requires that at least 2 additional priority chemicals be designated by January 1, 2013.

LD 1202 An Act To Equalize the Premiums Imposed on the Sale of Motor Vehicle Oil ONTP

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

Under current law, motor vehicle oil, when sold in containers of more than 5 gallons, is subject to a premium of \$1.10 per gallon. Prepackaged motor oil and diesel engine motor oil are subject to a premium of 35¢ per gallon. This bill equalizes the premiums for all motor vehicle oils at 35¢ per gallon, effective October 1, 2011.

LD 1210 An Act To Exempt Small Distributors from Unclaimed Deposit Requirements ONTP

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

This bill exempts from the unclaimed beverage container deposit requirements small distributors who each calendar year sell no more than 100,000 gallons or 500,000 containers of product.