

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 1250 An Act To Improve Oil Storage Facility Operator Training

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-257

Current rules of the Department of Environmental Protection require persons in charge of the daily operations of oil storage facilities to undergo a department training program in the monitoring, maintenance and operating procedures of those facilities. This bill requires the training program to be completed every 3 years and allows the department to approve training done by a 3rd party.

Committee Amendment "A" (S-257)

This amendment requires a training program for operators of underground oil storage facilities to be completed every 2 years instead of every 3 years as the bill proposes.

Enacted Law Summary

Public Law 2011, chapter 317 requires a training program for operators of underground oil storage facilities to be completed every 2 years and allows the Department of Environmental Protection to approve training done by a 3rd party.

LD 1255 Resolve, To Study Initiatives To Increase Recycling in Maine

ONTP

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

This resolve directs the Executive Department, State Planning Office to convene a stakeholder group to analyze the beverage container recycling program in the State in the context of the State's municipal solid waste recycling program and to report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters by January 15, 2013.

LD 1278 An Act To Stabilize Solid Waste Management Funding

Carried Over

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

This bill creates a 3rd subsidiary account in the Maine Solid Waste Management Fund for the purpose of purchasing additional landfill disposal capacity. The bill imposes fees on the disposal of construction and demolition debris and construction and demolition debris processing residue and imposes higher fees on certain wastes that are disposed of at a landfill granted a license to expand after October 15, 2011. The bill also provides that a disposal fee may not be imposed on construction and demolition debris and construction and demolition debris processing residue that is

Joint Standing Committee on Environment and Natural Resources

disposed of at a municipal, regional association or generator-owned landfill.

LD 1278 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 1320 An Act To Increase the Recycling Rate in Maine

ONTP

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

This bill:

1. Requires municipalities, from January 1, 2012 to December 31, 2017, to semiannually receive household hazardous waste;
2. Requires a municipality with a population greater than 2,000 to receive, recycle and, if possible, sell all cardboard disposed of in the municipality;
3. Requires a municipality with a population greater than 2,000 to receive and compost household yard waste; and
4. Allows municipal expenses incurred in implementing the requirements of this bill to be paid by the Executive Department, State Planning Office from the Maine Solid Waste Management Fund.

LD 1324 An Act To Create Consistency and Fairness in Maine's Bottle Bill

PUBLIC 429

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT MARTIN T	OTP-AM	H-316 S-359 ROSEN R

This bill removes containers larger than 28 ounces from the bottle bill. It establishes a period for phaseout for discontinuing the issuance of deposit and redemption of deposit for these items, including the payment of deposits by redemption centers to consumers and the payment of deposits and handling fees by manufacturers and distributors to redemption centers. The bill also establishes a uniform deposit of 5¢ for all containers and establishes a similar period for phaseout for converting the deposit on those items from 15¢ to 5¢.

Committee Amendment "A" (H-316)

The bill proposes to remove containers larger than 28 ounces from the bottle bill and to establish a uniform deposit of 5¢ for all containers. The amendment strikes those provisions. The amendment retains those sections of the bill that change the committee of jurisdiction that reviews major substantive rules. The amendment also adds provisions that:

1. Remove the requirement that 50% or more of like beverage containers for which deposits are initiated in the State must be covered in a commingling agreement. This allows initiators of deposit who do not initiate 50% or more of like beverage containers to enter into commingling agreements;