

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.

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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;

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2. Incorporate the provisions of L.D. 900 that allow an initiator of deposit to bring a civil action against any person, other than a licensed redemption center, that is found in possession of or knowingly tenders to a redemption center or retailer more than 48 beverage containers that were not originally sold in this State. It also increases the penalty for possession of containers not originally sold in this State to be consistent with the penalty for tendering such containers and removes reference to a first-year warning period from the penalty provision;
3. Clarify that unclaimed deposits received under the bottle bill are not deposited in the Maine Solid Waste Management Fund; and
4. Direct the Department of Agriculture, Food and Rural Resources to undertake rulemaking regarding commingling agreements, plastic bags and redemption center locations.

Senate Amendment "B" To Committee Amendment "A" (S-359)

This amendment reinstates 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 and adds a provision allowing initiators of deposit for wine containers who sell no more than 100,000 gallons of wine or 500,000 wine containers per year to enter into a commingling agreement. The provision allowing initiators of deposit for wine containers who sell no more than 100,000 gallons of wine or 500,000 wine containers per year to enter into a commingling agreement takes effect July 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 429:

1. Allows an initiator of deposit to bring a civil action against any person, other than a licensed redemption center, that is found in possession of or knowingly tenders to a redemption center or retailer more than 48 beverage containers that were not originally sold in this State. It also increases the penalty for possession of containers not originally sold in this State and removes reference to a first-year warning period from the penalty provision;
2. Clarifies that unclaimed deposits received under the bottle bill are not deposited in the Maine Solid Waste Management Fund;
3. Directs the Department of Agriculture, Food and Rural Resources to undertake rulemaking regarding commingling agreements, plastic bags and redemption center locations; and
4. Effective, July 1, 2012, allows initiators of deposit for wine containers who sell no more than 100,000 gallons of wine or 500,000 wine containers per year to enter into a commingling agreement.

LD 1328 Resolve, To Create a Working Group To Study the Subdivision Laws

ONTP

Sponsor(s)
MORISSETTE
WHITTEMORE

Committee Report
ONTP

Amendments Adopted

This resolve requires the Department of Public Safety to convene a working group to study the subdivision laws. The department shall report its recommendations for changes to the laws to the Joint Standing Committee on State and Local Government by January 30, 2012.