

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
125<sup>TH</sup> 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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125<sup>TH</sup> LEGISLATURE  
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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 125<sup>th</sup> 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 125<sup>th</sup> 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*

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**

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

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.