

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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STAFF:

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
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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

Public Law 2011, chapter 206 was enacted as an emergency measure effective June 3, 2011.

LD 1412 An Act To Promote the Proper Disposal of Used Medical Sharps Carried Over

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

This bill requires a manufacturer of medical sharps to participate in a program, individually or in conjunction with other manufacturers, for the collection, handling, transportation, treatment and disposal of unwanted medical sharps. It also provides that an entity that uses medical sharps is not required to dispose of them by shredding.

LD 1412 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 1417 An Act To Exempt Wine Bottles from Maine's Container Redemption System ONTP

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

This bill exempts wine bottles from the bottle redemption system.

LD 1433 An Act To Provide for the Recycling or Proper Disposal of Architectural Paint ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES BRANNIGAN	ONTP	

This bill establishes a product stewardship program for the environmentally sound disposal of architectural paint.

LD 1434 An Act To Streamline the Waste Motor Oil Disposal Site Remediation Program PUBLIC 211 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J SAVIELLO	OTP-AM	H-318

Joint Standing Committee on Environment and Natural Resources

This bill implements the recommendations of the stakeholder group convened by the Department of Environmental Protection pursuant to Resolve 2009, chapter 211. The bill amends the waste motor oil disposal site remediation program and the Plymouth Waste Oil Loan Program in accordance with the stakeholder group recommendations.

1. Current law imposes a premium on prepackaged gasoline engine motor oil and diesel engine bulk motor vehicle oil at the rate of 35¢ per gallon and on gasoline engine bulk motor vehicle oil at the rate of \$1.10 per gallon. This bill specifies that the premium is \$1.10 per gallon of gasoline engine crankcase oil sold or distributed in a volume of more than 5 gallons and 35¢ per gallon on diesel engine crankcase oil, gasoline engine crankcase oil sold or distributed in containers of 5 gallons or less and all other motor vehicle oil sold or distributed in containers of 16 gallons or less.
2. As long as there is at least \$600,000 in the Waste Motor Oil Revenue Fund, the Finance Authority of Maine is directed to disburse the funds in excess of that amount each year to reimburse motor vehicle oil dealers for premiums paid on oil sold or distributed outside of Maine, to pay the responsible parties at the Plymouth waste motor oil disposal site, to reimburse the Maine National Guard for response costs incurred at the Plymouth waste motor oil disposal site and to reimburse the Uncontrolled Sites Fund in the Department of Environmental Protection for response costs incurred by the department at the waste motor oil disposal sites in Plymouth, Casco, Ellsworth and Presque Isle.
3. Once \$3,500,000 is paid to the Department of Environmental Protection from the Waste Motor Oil Revenue Fund, the department is directed to release from liability any eligible person at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites.
4. A program to reimburse motor oil dealers for premiums paid on oil sold or distributed out of state is established using funds in the Waste Motor Oil Revenue Fund.
5. The Finance Authority of Maine is required to disburse, on a pro rata basis, all funds in the Waste Oil Clean-up Fund, established in the Maine Revised Statutes, Title 10, section 1023-L, to eligible persons at the waste motor oil disposal site in Plymouth.
6. The Finance Authority of Maine is required to treat as a grant any loan made by the authority under the Plymouth Waste Oil Loan Program established in Title 10, section 1023-M and to dismiss any further obligation of the borrower.

Committee Amendment "A" (H-318)

This amendment makes a technical correction by changing the phrase "redemption of premiums" to "redemption premiums." The amendment also clarifies that the Finance Authority of Maine is not required to disburse the balance in the Waste Oil Clean-up Fund within 30 days of the effective date of the Act.

Enacted Law Summary

Public Law 2011, chapter 211 implements the recommendations of the stakeholder group convened by the Department of Environmental Protection pursuant to Resolve 2009, chapter 211. It amends the waste motor oil disposal site remediation program and the Plymouth Waste Oil Loan Program in accordance with the stakeholder group recommendations.

1. Current law imposes a premium on prepackaged gasoline engine motor oil and diesel engine bulk motor vehicle oil at the rate of 35¢ per gallon and on gasoline engine bulk motor vehicle oil at the rate of \$1.10 per gallon. Chapter 211 specifies that the premium is \$1.10 per gallon of gasoline engine crankcase oil sold or distributed in a volume of more than 5 gallons and 35¢ per gallon on diesel engine crankcase oil, gasoline engine crankcase oil sold or distributed in containers of 5 gallons or less and all other motor vehicle oil sold or distributed in containers of 16 gallons or less.

Joint Standing Committee on Environment and Natural Resources

2. As long as there is at least \$600,000 in the Waste Motor Oil Revenue Fund, the Finance Authority of Maine is directed to disburse the funds in excess of that amount each year to reimburse motor vehicle oil dealers for premiums paid on oil sold or distributed outside of Maine, to pay the responsible parties at the Plymouth waste motor oil disposal site, to reimburse the Maine National Guard for response costs incurred at the Plymouth waste motor oil disposal site and to reimburse the Uncontrolled Sites Fund in the Department of Environmental Protection for response costs incurred by the department at the waste motor oil disposal sites in Plymouth, Casco, Ellsworth and Presque Isle.
3. Once \$3,500,000 is paid to the Department of Environmental Protection from the Waste Motor Oil Revenue Fund, the department is directed to release from liability any eligible person at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites.
4. A program to reimburse motor vehicle oil dealers for premiums paid on oil sold or distributed out of state is established using funds in the Waste Motor Oil Revenue Fund.
5. The Finance Authority of Maine is required to disburse, on a pro rata basis, all funds in the Waste Oil Clean-up Fund, established in the Maine Revised Statutes, Title 10, section 1023-L, to eligible persons at the waste motor oil disposal site in Plymouth.
6. The Finance Authority of Maine is required to treat as a grant any loan made by the authority under the Plymouth Waste Oil Loan Program established in Title 10, section 1023-M and to dismiss any further obligation of the borrower.

Public Law 2011, chapter 211 was enacted as an emergency measure effective June 3, 2011.

LD 1458 An Act To Transfer Recycling Technical Assistance and Solid Waste Policy Responsibilities from the State Planning Office to the Department of Environmental Protection

Carried Over

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

This bill:

1. Gives the following recycling technical assistance and solid waste disposal policy responsibilities, which are currently the responsibilities of the Executive Department, State Planning Office, to the Department of Environmental Protection:
 - A. Determining reasonable municipal recycling progress;
 - B. Providing technical and financial assistance to municipalities;
 - C. Providing technical assistance to businesses;
 - D. Collecting municipal solid waste management and recycling reports and data;
 - E. Providing recycling marketing assistance;
 - F. Assisting entities with meeting office paper recycling requirements;