

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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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

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;

Joint Standing Committee on Environment and Natural Resources

- G. Participating in national and interstate initiatives for uniform state laws;
- H. Collecting incinerator reports and data;
- I. Preparing the state waste management and recycling plan; and
- J. Staffing the Solid Waste Management Advisory Council; and

2. Provides that the State Planning Office keep the following recycling technical assistance and solid waste disposal policy responsibilities:

- A. Preparing the waste generation and disposal capacity report;
- B. Planning for development of solid waste disposal facilities; and
- C. Recommending development of state-owned solid waste disposal facilities.

LD 1458 was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 1567 Resolve, To Authorize the State To Acquire a Landfill in the Town of East Millinocket

**RESOLVE 90
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM MAJ ONTP MIN	H-635 HAMPER S-282

This resolve directs the Executive Department, State Planning Office to purchase and cause to be operated an existing licensed and generator-owned solid waste disposal facility in the Town of East Millinocket known as the Dolby Landfill. The current owner of the disposal facility and the owner's successors and assigns in the ownership of the pulp and paper mills in the Town of Millinocket and the Town of East Millinocket will have the right to dispose of sludge, ash and other wastes generated at these facilities. The municipality in which the disposal facility is located may not regulate the operation of the disposal facility. The municipal officials of the Town of East Millinocket and the Town of Millinocket are directed to establish a joint citizen advisory committee regarding the disposal facility. The resolve directs the Executive Department, State Planning Office to submit a report to the Joint Standing Committee on Environment and Natural Resources by February 15, 2012 on the acquisition of the disposal facility and a review of the operations related to the disposal facility.

Committee Amendment "A" (S-282)

This amendment, which is the majority report of the committee, amends the resolve in the following ways.

1. It authorizes the Executive Department, State Planning Office to acquire, own and cause to be operated an existing solid waste disposal facility in the Town of East Millinocket. The resolve directs the State Planning Office to take those actions.
2. It strikes a provision in the resolve that requires the acquisition agreement to provide that the current owner of the disposal facility and the owner's successors and assigns in the ownership of the pulp and paper mills have the right to dispose of sludge, ash and other wastes generated at the facilities.