

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

July 2013

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STATE OF MAINE

126TH LEGISLATURE

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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 336 An Act Relating to Clean Water Certification by the Department of Environmental Protection

**ACCEPTED
MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW PLUMMER	ONTP OTP-AM	

This bill adds an additional step to the process for Department of Environmental Protection and Maine Land Use Planning Commission approval of water quality certifications for existing and proposed hydropower projects. The bill requires the department or commission to submit provisionally approved water quality certifications to the Legislature for review and approval by the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters and the Legislature. The review process is similar to legislative review of major substantive rules. The provisions of the bill apply retroactively to August 1, 2011.

Committee Amendment "A" (H-208)

This amendment, which is the minority report of the committee, replaces the bill. The amendment requires the Department of Environmental Protection to notify the public, municipalities, interested persons and applicable state agencies whenever the department accepts an application for a water quality certification for an existing or proposed hydropower project under the licensing jurisdiction of the Federal Energy Regulatory Commission, receives a substantial revision to an application or makes a substantial revision to a draft decision of the department. The amendment requires the department to hold a public meeting if one is requested and it directs the department to adopt major substantive rules to define "substantial revision." It also adds an appropriations and allocations section.

This amendment was not adopted.

LD 365 An Act To Define "Contaminant" in the Laws Governing Toxic Chemicals in Children's Products

ONTP

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

This bill amends the laws governing toxic chemicals in children's products to define the term "contaminant" as used in those laws.

LD 373 An Act To Provide Clarity to Priority Chemical Reporting Requirements

PUBLIC 232

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER HARLOW	OTP	

This bill amends the current law regarding the reporting requirement for children's products that contain priority chemicals by requiring that manufacturers or distributors provide notice within 30 days to the Department of Environmental Protection when the product is sold in the State after the initial 180-day reporting period ends.

Enacted Law Summary

Joint Standing Committee on Environment and Natural Resources

Public Law 2013, chapter 232 amends the current law regarding the reporting requirement for children's products that contain priority chemicals by requiring that manufacturers or distributors provide notice within 30 days to the Department of Environmental Protection when the product is sold in the State after the initial 180-day reporting period ends.

LD 432 An Act To Amend the Gifting of Land Exemption under the Subdivision Laws ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C HARLOW	ONTP	

This bill amends the subdivision law exemption for gifts to relatives by removing the requirement that the donor of the gifted property must have held the property for a continuous period of 5 years prior to the division by gift. The bill also provides that if property that is exempt from the subdivision law pursuant to the gifts to relatives exemption is transferred within 10 years of when the property was acquired by the donor, a lot is created for purposes of the subdivision law.

LD 437 An Act To Amend the State General Permit Process for Tidal Power To Remove a Conflict with a Federal Permit Requirement PUBLIC 177

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU MAKER	OTP-AM	S-62

Currently, an applicant for a general permit for a tidal energy demonstration project must file an application with the Department of Environmental Protection that contains a copy of an environmental assessment issued by the Federal Energy Regulatory Commission that includes a finding of no significant environmental impact. This bill allows the department to accept an application prior to the FERC's issuance of a finding of no significant environmental impact. The bill also requires the department to notify an applicant within 60 days of its acceptance of the application for processing or within 30 days of the FERC's issuance of a finding of no significant environmental impact, whichever occurs later.

Committee Amendment "A" (S-62)

This amendment corrects terminology in the bill related to the Department of Environmental Protection's acceptance of an application for a general permit for a tidal energy demonstration project as complete for processing.

Enacted Law Summary

Public Law 2013, chapter 177 allows the Department of Environmental Protection to accept an application for a tidal energy demonstration project as complete for processing prior to the Federal Energy Regulatory Commission's issuance of a finding of no significant environmental impact. It also requires the department of notify an applicant within 60 days of its acceptance of the application as complete for processing or within 30 days of the FERC's issuance of a finding of no significant environmental impact, whichever occurs later.

LD 453 An Act To Prohibit the Sale of Gasoline That Contains Corn-based Ethanol as an Additive at a Level Greater than 10 Percent by Volume PUBLIC 69

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONG SAVIELLO	OTP-AM	H-56