

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

STAFF:

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

MEMBERS:

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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 1102 An Act Regarding Reconstruction of Residential Structures on Sand Dunes

**PUBLIC 277
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL WELSH	OTP-AM	S-132

This bill provides standards for the reconstruction in a frontal sand dune of an existing residential structure whose entire footprint is in a back dune on the same lot.

Committee Amendment "A" (S-132)

This amendment amends the bill's emergency preamble and replaces the rest of the bill. It repeals Public Law 2011, chapter 538, section 15 and directs the Department of Environmental Protection to repeal rules adopted pursuant to that law. The bill provides statutory standards for certain reconstruction in a coastal sand dune. The amendment strikes the statutory standards proposed in the bill and instead authorizes the department to adopt new rules and identifies the standards the department must use in that rulemaking.

Enacted Law Summary

Public Law 2013, chapter 277 repeals Public Law 2011, chapter 538, section 15 and directs the Department of Environmental Protection to repeal rules adopted pursuant to that law. Chapter 277 also authorizes the department to adopt new rules and identifies the standards the department must use in that rulemaking.

Public Law 2013, chapter 277 was enacted as an emergency measure effective June 18, 2013.

LD 1121 An Act To Promote the Production of Maine Beverages

PUBLIC 259

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES	OTP-AM	H-397

This bill expands the exemption from the returnable beverage container laws for small brewers and small bottlers of water to all manufacturers of beverages who produce no more than 50,000 gallons of product.

Committee Amendment "A" (H-397)

This amendment, which replaces the bill, retains in the returnable beverage container laws the exemptions for small bottlers and brewers and adds an exemption for small manufacturers.

Enacted Law Summary

Public Law 2013, chapter 259 retains in the returnable beverage container laws the exemptions for small bottlers of water and small brewers and adds an exemption for manufacturers who produce no more than 50,000 gallons of product in a calendar year.

LD 1135 An Act To Provide Consistency in the Regulation of Motorized Recreational Gold Prospecting

PUBLIC 260

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK SAVIELLO	OTP-AM	H-373

Joint Standing Committee on Environment and Natural Resources

This bill exempts motorized recreational gold prospecting from the permit requirements of the Natural Resources Protection Act. It identifies criteria that must be met in order to undertake the activity without a permit. The bill directs the Department of Environmental Protection and the Maine Land Use Planning Commission to each adopt rules identifying specific waters in which the activity is not allowed.

Committee Amendment "A" (H-373)

This amendment changes the horsepower and hose size of the equipment that may be used in motorized recreational gold prospecting. It strikes the provision of the bill that identifies waters where motorized recreational gold prospecting is prohibited and replaces it with authorization for the Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission to adopt rules identifying specific waters in which the activity is not allowed. The amendment also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill related to motorized recreational gold prospecting to the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2013, chapter 260 exempts motorized recreational gold prospecting from the permit requirements of the Natural Resources Protection Act if specified criteria are met. It authorizes the Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission to adopt rules identifying specific waters in which the activity is not allowed. It also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill related to motorized recreational gold prospecting to the Second Regular Session of the 126th Legislature.

LD 1178 An Act To Encourage the Use of Biofuels in the State

PUBLIC 124

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

This bill requires that a seller of biomass-based diesel blend or biodiesel blend provide documentation of the amount of biofuel in the blended products at the time of sale. It provides that a transferee of these blended products is not liable for failing to verify the accuracy of the information included in any transfer document or for any other liability arising from the transferee's reliance on such information.

Enacted Law Summary

Public Law 2013, chapter 124 requires that a seller of biomass-based diesel blend or biodiesel blend provide documentation of the amount of biofuel in the blended products at the time of sale. It provides that a transferee of these blended products is not liable for failing to verify the accuracy of the information included in any transfer document or for any other liability arising from the transferee's reliance on such information.

LD 1181 An Act To Further Strengthen the Protection of Pregnant Women and Children from Toxic Chemicals

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL EVES	OTP-AM OTP-AM	S-310 S-353 HILL

This bill amends the laws governing toxic chemicals in children's products. The bill defines "contaminant" and adds a publication of an authoritative state agency to the definition of "credible scientific evidence." The bill