

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

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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

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

Joint Standing Committee on Environment and Natural Resources

requires the Commissioner of Environmental Protection to name 2 additional priority chemicals annually beginning January 1, 2014, unless the criteria for such designation is not met. The bill requires reporting of chemical use for chemicals of high concern in children's products. The bill requires assessments of safer alternatives to priority chemicals in children's products by manufacturers or distributors. The bill repeals the exemption of food and beverage packaging not intended for children under 3 years of age. The bill authorizes the Board of Environmental Protection to require product labeling if it cannot make the findings necessary to prohibit sale of a children's product containing a priority chemical. The bill requires the department to amend its existing priority chemical rules to require alternatives assessments for reported uses of nonylphenol ethoxylates, and to require reporting of bisphenol A use in food can packaging.

Committee Amendment "A" (S-310)

This amendment is the majority report of the committee and replaces the bill. The amendment does the following.

1. It adds a publication of an authoritative state agency to the definition of "credible scientific evidence."
2. It authorizes the Department of Environmental Protection to specify by rule the practical quantification limit for a chemical based on standard industry practice and credible scientific evidence.
3. It establishes a process for considering revisions to the lists of chemicals of concern, chemicals of high concern and priority chemicals.
4. It authorizes the Department of Environmental Protection to adopt rules to require reporting of chemical use for chemicals of high concern in children's products.
5. It authorizes the Department of Environmental Protection to contract for an independent alternatives assessment for priority chemicals without first requesting one from manufacturers or distributors of children's products.
6. It requires manufacturers and distributors of food and beverage products with annual sales greater than \$1,000,000,000 to report their use of priority chemicals in containers and packaging to the Department of Environmental Protection by January 1, 2014 and annually thereafter.
7. It directs the Department of Environmental Protection to establish a 30-day period each year during which persons may submit information on the topic of toxic chemicals in children's products.
8. It requires the annual publication of the list of chemicals of high concern on the Department of Environmental Protection's publicly accessible website.
9. It authorizes the Department of Environmental Protection to publish on the department's publicly accessible website a list of children's products that do not contain priority chemicals or chemicals of high concern.
10. It directs the Department of Environmental Protection to consult with the Department of Health and Human Services, Maine Center for Disease Control and Prevention by January 3, 2014 to review information regarding chemicals in children's products and consider appropriate actions. It also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill relating to a briefing by the department on the laws governing toxic chemicals in children's products.
11. It adds an appropriations and allocations section.

Committee Amendment "B" (S-311)

This amendment is the minority report of the committee and replaces the bill. The amendment does the following.

1. It authorizes the Department of Environmental Protection to specify by rule an alternatives analysis threshold for

Joint Standing Committee on Environment and Natural Resources

a chemical for the purpose of determining the de minimis level of the chemical.

2. It establishes a process for considering revisions to the lists of chemicals of high concern and priority chemicals.
3. It establishes a process for petitioning for removal of a chemical from the list of chemicals of high concern.
4. It authorizes the Department of Environmental Protection to contract for an independent alternatives assessment for priority chemicals without first requesting one from manufacturers or distributors of children's products.
5. It directs the Department of Environmental Protection to establish a 30-day period each year during which persons may submit information on the topic of toxic chemicals in children's products.
6. It requires the annual publication of the list of chemicals of high concern on the Department of Environmental Protection's publicly accessible website.
7. It directs the Department of Environmental Protection to consult with the Department of Health and Human Services, Maine Center for Disease Control and Prevention by January 3, 2014 to review information regarding chemicals in children's products and consider appropriate actions. It also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill relating to a briefing by the department on the laws governing toxic chemicals in children's products.
8. It adds an appropriations and allocations section.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-353)

This amendment eliminates the fiscal impact of Committee Amendment "A" on the Department of Environmental Protection by:

1. Deleting the mandate that the department respond to petitions from industry to establish alternative reporting thresholds for chemicals in products;
2. Deleting the mandate that the department respond to information submitted in support of adding chemicals to the lists of chemicals of concern, chemicals of high concern and priority chemicals;
3. Deleting the mandate that the department expand its education and assistance program and consult with the Maine Center for Disease Control and Prevention to review available information and consider further actions on chemicals in children's products;
4. Preventing the department from exercising its expanded discretionary authority before July 1, 2015 to adopt rules to require manufacturers and distributors to report to the State on their use of chemicals of high concern in children's products;
5. Limiting the scope of reporting of priority chemicals in food and beverage packaging to only the largest manufacturers by deleting "distributors" from the reporting requirements; and
6. Requiring the department to carry out the remaining provisions of the bill within existing resources and through use of its existing authority to assess fees on product manufacturers and distributors.