

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> 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

126<sup>TH</sup> 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 126<sup>th</sup> 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 126<sup>th</sup> 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 1302**

**An Act To Amend the Maine Metallic Mineral Mining Act To Protect Water Quality**

**DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE WOODBURY	OTP-AM OTP-AM	

This bill makes changes to the Maine Metallic Mineral Mining Act.

1. It prohibits the Department of Environmental Protection from issuing a permit for surface or open pit mining in a sulfide ore body unless the applicant has previously operated a mining operation that meets certain conditions. It also requires the department to submit a report to the joint standing committee of the Legislature having jurisdiction over metallic mineral mining matters recommending whether or not the prohibition should be repealed. The report must be submitted within 3 months after the department has issued a permit for surface or open pit mining of a sulfide ore body.
2. It amends the approval criteria related to water quality by requiring that discharges of pollutants from the mining operation will not violate applicable water quality standards and it prohibits the issuance of a permit if the mining operation will result in the contamination of groundwater or surface water requiring treatment beyond 10 years after cessation of mining operations.
3. It amends the standards for monitoring groundwater.
4. It requires financial assurance to be fulfilled through creation of a trust fund.

**Committee Amendment "A" (H-304)**

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

1. Includes a definition of "activity unit";
2. Provides that a mining area may include more than one activity unit;
3. Requires that compliance monitoring wells be located as close as physically practicable to an activity unit being monitored for groundwater contamination;
4. Removes a directive to the Department of Environmental Protection to establish standards for monitoring groundwater as close as practicable to any mining area that may pose a threat to groundwater;
5. Amends approval criteria to provide that discharges to groundwater may occur within an activity unit. It strikes the current law that provides that discharges to groundwater may occur within a mining area, but such discharges may not result in contamination of groundwater beyond each mining area;
6. Requires an application to include assurance that the mining operation will meet all state and federal environmental requirements without requiring water treatment beyond 10 years after closure;
7. Adds to the approval criteria to require that the department find the mining operation is designed to meet all state and federal environmental requirements without requiring water treatment beyond 10 years after closure;
8. Requires an application to include a waste rock management plan;

***Joint Standing Committee on Environment and Natural Resources***

- 9. Adds to the approval criteria to require that the department find the mining operation is designed to ensure that waste rock is not used in the construction of roads;
- 10. Requires an application to include information related to the number and types of jobs expected to be created;
- 11. For an application for a mining operation in a sulfide ore body, requires an application to include information related to 3 responsible mining operations;
- 12. Requires an application to include an estimate of the costs to close the mining operation, including estimated costs sufficient for the department to undertake the activities and measures specified in the financial assurance requirements, and a 3rd-party verification of the adequacy of the estimate;
- 13. Amends the financial assurance provisions to require that financial assurance must be provided before any construction may begin;
- 14. Provides that the financial assurance instruments must provide the total amount of the required financial assurance upon demand of the State to cover the costs for activities necessary for the investigation, monitoring, closure, treatment, remediation, reclamation, operation and maintenance and any other necessary environmental protection measures;
- 15. Requires a permittee to provide the department with notice prior to the expiration of a financial assurance instrument and the renewal and execution of an instrument; and
- 16. Requires the establishment of a standby trust fund, except when a trust is the financial assurance instrument used.

This amendment was not adopted.

**Committee Amendment "B" (H-305)**

This amendment is the minority report of the committee and replaces the bill. The amendment authorizes the Department of Environmental Protection to use outside parties to review applications for mining permits. It requires an applicant to submit a mining operations closure plan that demonstrates to the satisfaction of the department that applicable environmental requirements will be met without requiring more than 30 years of active water treatment for water discharged from the site. It specifies that a waste rock management plan must be submitted with an application.

This amendment was not adopted.

**LD 1308 An Act To Establish a Stewardship Program for Architectural Paint**

**PUBLIC 395**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM ONTP	S-270 S-296 SAVIELLO

This bill establishes a product stewardship program for architectural paints sold in the State. Under the program, consumers are able to return their unused architectural paint to designated locations throughout the State for recycling and proper disposal. The collection, transportation and recycling of paint is managed by architectural paint manufacturers or a designated representative organization. The program is financed by a stewardship assessment on architectural paint sold in the State.