

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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:

SEN. JAMES A. BOYLE, CHAIR
SEN. GEOFFREY M. GRATWICK
SEN. THOMAS B. SAVIELLO

REP. JOAN W. WELSH, CHAIR
REP. DENISE P. HARLOW
REP. JANICE E. COOPER
REP. GAY M. GRANT
REP. PAUL D. MCGOWAN
REP. BERNARD L. A. AYOTTE
REP. RICKY D. LONG
REP. RICHARD H. CAMPBELL
REP. ROGER E. REED
REP. BENJAMIN M. CHIPMAN

STATE OF MAINE

126TH LEGISLATURE

FIRST REGULAR SESSION



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

- 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.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (S-270)

This amendment is the majority report of the committee. It amends provisions in the bill related to paint stewardship plans, approval of paint stewardship plans, a paint stewardship assessment and operation of a paint stewardship program. The changes include:

1. Provisions authorizing the Commissioner of Environmental Protection to approve a plan that does not meet the geographic coverage requirement in the bill;
2. Provisions related to universal waste requirements;
3. Additional annual reporting requirements;
4. Provisions for proprietary information to be designated as confidential. The provisions provide that proprietary information submitted to the Department of Environmental Protection must be handled by the department in the same manner as confidential information is handled under the Maine Revised Statutes, Title 38, section 1310-B. Although section 1310-B, in part, governs the handling of confidential hazardous waste information, the reference to section 1310-B in the amendment is not intended to limit the applicability of the confidentiality provisions in the amendment to hazardous waste information but to provide a process for how proprietary information is to be handled; and
5. An exemption from requirements in other laws related to product stewardship programs.

The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-296)

This amendment specifies that the annual fee set by the Department of Environmental Protection for the paint stewardship program must cover the actual costs of the program, including administration. This amendment also caps the fee at the greater of \$82,000 per year and 1% of total program costs. The amendment also replaces the appropriations and allocations section in Committee Amendment "A."

Enacted Law Summary

Public Law 2013, chapter 395 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.

LD 1324 An Act To Protect Local Communities When a Mining Project Is Terminated

**ACCEPTED
MAJORITY
(ONTP) REPORT**

Sponsor(s)
KRUGER

Committee Report
ONTP
OTP-AM

Amendments Adopted

This bill returns to the Mining Oversight Fund the purposes of corrective action that were removed in amendments to the laws governing the fund, which was originally called the Mining Corrective Action Fund, that take effect in 2014, to assist municipalities remediating environmental problems that occur at mine sites following termination of mining operations.