

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

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**

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

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.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (H-303)

This amendment is the minority report of the committee and incorporates a fiscal note.

This amendment was not adopted.

LD 1335 An Act To Implement Recommendations of the Department of Environmental Protection Concerning Product Stewardship in Maine

PUBLIC 315

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-470

This bill is reported out by the Joint Standing Committee on Environment and Natural Resources pursuant to the Maine Revised Statutes, Title 38, section 1773. The bill incorporates the recommendations of the Department of Environmental Protection. The Joint Standing Committee on Environment and Natural Resources has not taken a position on the substance of the recommendations or the bill. The committee is reporting the bill out for the sole purpose of turning the department's proposal into a printed bill that can be referred to the committee for an appropriate public hearing and subsequent processing in the normal course. The committee is taking this action to ensure clarity and transparency in the legislative review of the department's proposal. The bill establishes a framework for the implementation of product stewardship programs. The bill provides that a product stewardship program established for products designated by the Legislature for inclusion in a product stewardship program must be established and implemented in accordance with the provisions of the bill.

The bill also makes changes to the law concerning the recycling of cellular telephones. It repeals the requirement that retailers that sell cellular telephones accept used cellular telephones from any person. It also removes reporting requirements that ended in February 2013.

Committee Amendment "A" (H-470)

This amendment changes the reporting dates for reports related to the thermostat collection and recycling program and the mercury-added lamp recycling program and authorizes the department to include the reports in the product stewardship report in the bill. The amendment clarifies the provision in the bill related to the confidentiality of proprietary information that provides 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 the proprietary information is to be handled. The amendment also strikes the provisions in the bill that repeal the requirement for retailers to collect used cell phones and a related report and instead requires the report to be included with the product stewardship report in the bill.

Enacted Law Summary

Public Law 2013, chapter 315 establishes a framework for the implementation of product stewardship programs. It provides that a product stewardship program established for products designated by the Legislature for inclusion in a product stewardship program must be established and implemented in accordance with the provisions of chapter 315. It also changes the reporting dates for reports related to the thermostat collection and recycling program and the mercury-added lamp recycling program and authorizes the department to include those reports and a report related to the collection system for used cellular telephones in the product stewardship report required pursuant to chapter 315.