

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

Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County to sell only reformulated gasoline in those counties. It also directs the Department of Environmental Protection to study the feasibility of the use of a single type of gasoline throughout the State and report to the Joint Standing Committee on Environment and Natural Resources by December 4, 2013. The committee may report out a bill on the subject matter of the department's report to the Second Regular Session of the 126th Legislature.

Public Law 2013, chapter 221 was enacted as an emergency measure effective June 11, 2013.

LD 1362 Resolve, To Establish a Moratorium on the Transportation of Tar Sands

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN GRATWICK	OTP-AM	H-428 H-543 CHIPMAN

This resolve establishes a 2-year moratorium on the transportation of petroleum products derived from bituminous sands, also known as tar sands, and directs the Department of Environmental Protection to study the potential effects on the State of the transportation of petroleum products derived from bituminous sands, including the effects on the health and safety of the public and the environment and the potential cost of remediation of an oil spill.

Committee Amendment "A" (H-428)

This amendment replaces the resolve. Currently, the Department of Environmental Protection is conducting a department-initiated review of the environmental and public health and safety risks associated with unrefined bituminous tar sands oil. This amendment requires the department to continue that review and specifies areas upon which the review must be focused. The department is directed to report by January 31, 2014 on the progress of the review to the Joint Standing Committee on Environment and Natural Resources, and the joint standing committee is authorized to submit a bill to the Second Regular Session of the 126th Legislature. The amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-543)

This amendment provides that the Department of Environmental Protection shall continue its current review of the handling and transportation of unrefined bituminous tar sands oil and changes the elements that are subject to review. The amendment provides that the department provide a briefing to the Joint Standing Committee on Environment and Natural Resources rather than a report. The amendment also strikes the appropriations and allocations section in Committee Amendment "A."

LD 1363 Resolve, To Ensure Landfill Capacity and Promote Recycling

RESOLVE 46

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN PATRICK	OTP-AM ONTP	H-182

This bill amends the definition of waste generated in the State by providing that residue and bypass must have been generated from waste that originated in the State to be considered waste generated in the State. The bill also allows municipalities to enact ordinances with respect to solid waste facilities that contain standards that are stricter than state law. The bill also imposes a one-year moratorium on the issuance of licenses for expanded landfills. It directs the Department of Environmental Protection to study and identify best practices to reduce the amount of solid waste disposed in landfills, increase recycling of solid waste and generate revenue from recycling for municipalities. The department is required to report its findings to the Joint Standing Committee on Environment and Natural

Joint Standing Committee on Environment and Natural Resources

Resources.

Committee Amendment "A" (H-182)

This amendment is the majority report of the committee and replaces the bill with a resolve. The amendment imposes a moratorium on the issuance of licenses to expand solid waste disposal facilities that are landfills until after April 30, 2014. The moratorium applies to applications filed after the effective date of the legislation.

Enacted Law Summary

Resolve 2013, chapter 46 imposes a moratorium on the issuance of licenses to expand solid waste disposal facilities that are landfills until after April 30, 2014. The moratorium applies to applications filed after the effective date of chapter 46.

LD 1427 An Act To Establish a Resource and Development Coordinating Council VETO SUSTAINED

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

This bill establishes the Resource and Development Coordinating Council to promote interagency coordination of the State's activities regarding natural resource management, land use and development and to identify and coordinate the resolution of policy and program conflicts among government agencies. The council submits a report every 2 years to the Governor and the joint standing committee of the Legislature having jurisdiction over natural resources matters.

LD 1430 An Act To Clarify the Permitted Use of Aquatic Pesticides PUBLIC 193

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

This bill addresses a federal court decision under which all discharges of pesticides to waters of the United States are now required to obtain a National Pollutant Discharge Elimination System permit. Previously certain discharges of pesticides were exempt as long as the application of the pesticide was managed in accordance with the Federal Insecticide, Fungicide and Rodenticide Act. This bill allows the Department of Environmental Protection to issue permits for certain discharges of pesticides to waters where discharges are currently generally prohibited: Class AA, A, SA and GPA waters, tributaries of Class GPA waters and waters having a drainage area of less than 10 square miles. The discharges of pesticides that may be approved under this bill are discharges that are:

1. Unintended and an incidental result of the spraying of pesticides;
2. Applied in compliance with federal labeling restrictions; and
3. Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

Enacted Law Summary

Public Law 2013, chapter 193 allows the Department of Environmental Protection to issue permits for certain discharges of pesticides to waters where discharges are currently generally prohibited: Class AA, A, SA and GPA waters, tributaries of Class GPA waters and waters having a drainage area of less than 10 square miles. The