

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

May 2014

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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 331 Resolve, To Expand Economic Development in the Town of Orrington ONTP
by Releasing Certain Riverfront Land from State-imposed
Environmental Restrictions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R YOUNGBLOOD	ONTP	

This resolve was carried over from the First Regular Session of the 126th Legislature.

It directs the Department of Environmental Protection to release all development restrictions on certain portions of the former HoltraChem Manufacturing Company site in Orrington that are not targeted for cleanup and remediation under the existing Declaration of Restrictive Covenant established on March 30, 2001 and the Commissioner of Environmental Protection's November 24, 2008 compliance order, as modified by the Board of Environmental Protection's August 19, 2010 order.

LD 794 An Act To Amend Setback Requirements and Standards Related to ONTP
Species Migration under the Laws Regulating Development near Vernal
Pools

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R BOYLE	ONTP	

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to amend the laws regulating significant vernal pool habitat to account for species migration patterns. It proposes to change the area that is regulated as a significant vernal pool habitat and the standards for development within the area regulated. Currently, pursuant to rules of the Department of Environmental Protection adopted under the Natural Resources Protection Act, the area regulated as a significant vernal pool habitat includes the vernal pool depression and the area within a 250-foot radius of the spring or fall high-water mark of the depression.

LD 1483 An Act To Implement the Solid Waste Management Hierarchy PUBLIC 458

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN STANLEY	OTP-AM ONTP	S-386 S-389 BOYLE

This bill was carried over from the First Regular Session of the 126th Legislature.

The purpose of this bill is to assist in the stabilization of the statutorily established solid waste management hierarchy, to promote and strengthen the waste management system in the State and to enhance the continued operation of the existing waste processing incineration facilities located in the State. This bill directs the Department of Environmental Protection to:

1. Impose on each licensed landfill a solid waste stabilization assessment on all solid waste, including, but not limited to, household and commercially sourced solid waste and all other material deposited at the licensed landfill;

Joint Standing Committee on Environment and Natural Resources

2. Deposit solid waste stabilization assessment funds in a solid waste stabilization account within the Maine Solid Waste Management Fund;
3. Disburse the funds from the solid waste stabilization account through periodic payments to qualified municipalities and recycling and composting programs located in the State; and
4. Develop a process to maximize the use of existing incineration facilities in the State and increase the amount of Maine-sourced solid waste that is processed at those facilities annually and report its recommendations to the Joint Standing Committee on Energy, Utilities and Technology by January 1, 2014.

Committee Amendment "A" (S-386)

This amendment is the majority report of the committee and replaces the original bill. It requires that the practices of an applicant for a waste facility license be consistent with the State's solid waste management hierarchy. It directs the Department of Environmental Protection to adopt rules incorporating the State's solid waste management hierarchy as a review criterion for waste facility licensing approval. It also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-389)

This amendment removes the appropriations and allocations section.

Enacted Law Summary

Public Law 2013, chapter 458 requires that the practices of an applicant for a waste facility license be consistent with the State's solid waste management hierarchy. It also directs the Department of Environmental Protection to adopt rules incorporating the State's solid waste hierarchy as a review criterion for waste facility licensing approval.

LD 1528 Resolve, To Provide for Livable, Affordable Neighborhoods ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R BOYLE	ONTP	

This resolve was carried over from the First Regular Session of the 126th Legislature.

The purpose of this resolve is to encourage the preservation and development of livable, affordable neighborhoods. This resolve:

1. Directs the Department of Transportation to review the report titled "Designing Walkable Urban Thoroughfares: A Context Sensitive Approach" (Institute of Transportation Engineers and Congress for New Urbanism, 2010) and develop recommendations on the incorporation of concepts from that report into the Sensible Transportation Policy Act. This resolve specifically directs the department to consider the following concepts from that report: promoting a collaborative, multidisciplinary process involving certain transportation facilities; and designing urban thoroughfares that emphasize walkable communities to facilitate the restoration of the multiple functions of urban streets. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Transportation by December 4, 2013;
2. Directs the Department of Agriculture, Conservation and Forestry to develop a conservation development model encouraging productive use of rural lands, providing traditional resource-based industries with opportunities for value-added business, and providing rural towns with the financial ability to sustain local services and keep those who work the land free of conflicts with advancing suburban development. The department is directed to submit its