

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

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

May 2016

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

SECOND 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 Second Regular Session of the 127<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. An appendix provides a summary of relevant session statistics.

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 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 127<sup>th</sup> Legislature is July 29, 2016. 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 313**

**An Act To Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State**

**PUBLIC 461**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R SAVIELLO T	OTP-AM	H-616 H-640 WELSH J

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to implement recommendations from the Department of Environmental Protection relating to solid waste handling, management and disposal issues identified in a letter dated March 24, 2014 to the Department of Environmental Protection from the Joint Standing Committee on Environment and Natural Resources. Specifically, this bill would enact measures designed to:

1. Provide incentives for and encourage the increased use of methods of source reduction, reuse, recycling and composting as a means of achieving the state-mandated recycling goal of 50% under the Maine Revised Statutes, Title 38, section 2132, together with a method for accurately measuring future achievements toward that goal;
2. Achieve economic stabilization of the three existing waste-to-energy facilities in the State by January 1, 2016, with options for funding that stabilization;
3. Develop a plan to minimize the need for future expansion of landfill capacity in Maine, including state-owned landfills;
4. Identify additional strategies to increase the beneficial use of waste materials, particularly where there are potential economic benefits to be derived from these materials; and
5. Develop other components of an overall comprehensive implementation plan necessary and appropriate to better advance the goals of the State's solid waste management hierarchy under Title 38, section 2101.

**Committee Amendment "A" (H-616)**

This amendment strikes and replaces the bill and amends the State's solid waste management laws as follows.

1. It establishes a food recovery hierarchy to be used in conjunction with the State's solid waste management hierarchy as a guiding principle in making decisions related to solid waste and organic materials management.
2. It updates the State's recycling goal. Current statute sets a goal of recycling or composting 50% of the municipal solid waste tonnage generated each year within the State by January 1, 2014. This amendment extends that goal deadline to January 1, 2021.
3. It repeals the state waste reduction goal, which focused on the reduction of municipal solid waste generated in the State, and establishes a state waste disposal reduction goal focused instead on the statewide per capita reduction of waste disposed of in the State.
4. It provides that revenues collected through the assessment of statutory solid waste fees may be expended by the Department of Environmental Protection to provide grant funding in accordance with the Maine Solid Waste Diversion Grant Program, which is established by this amendment. The department is directed to

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

annually review current revenues in the Maine Solid Waste Management Fund established in the Maine Revised Statutes, Title 38, section 2201, as well as revenue projections for upcoming years, to determine whether additional revenues are available in the upcoming year to provide grant funding under the grant program and, if funds are available, to designate them for use in accordance with the program.

5. It establishes the Maine Solid Waste Diversion Grant Program to provide grants to public and private entities to assist in the development, implementation or improvement of programs, projects, initiatives and activities designed to increase the diversion of solid waste from disposal in the State. Under the program, priority in the awarding of grants is given to municipal and regional association applicants and to applicants seeking to establish programs, projects, initiatives or activities likely to increase the removal and recycling of organic materials from municipal waste streams.

6. It provides authority for, but does not require, the Department of Environmental Protection to adopt rules imposing fees on the disposal or processing of municipal solid waste and on the disposal of certain types of wastes. Rules adopted pursuant to this authority are major substantive rules and must be consistent with the State's solid waste management hierarchy and food recovery hierarchy. Current waste disposal fees under Title 38, sections 2203-A and 2204 remain unchanged and will continue to be assessed until the department finally adopts rules imposing different waste disposal fees. The amendment also makes some technical edits to section 2203-A to remove outdated statutory language.

7. It directs the Department of Environmental Protection to develop, implement and administer a food scraps composting pilot program and provides funds to the Department of Administrative and Financial Services to establish such a pilot program. The Department of Environmental Protection is required to collect data from participating entities and by January 15, 2019 submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing the data collected by each participating entity and any additional findings and including any recommendations for legislation to implement permanent food scraps composting programs or requirements at the state, regional, municipal or local level or to otherwise increase the diversion rate for organic materials in the State. After receiving the report, the committee may report out a bill relating to the report to the First Regular Session of the 129th Legislature.

### **House Amendment "A" To Committee Amendment "A" (H-640)**

This amendment amends Committee Amendment "A" to direct the Department of Environmental Protection to invite the Department of Administrative and Financial Services, Bureau of General Services to participate in the proposed food scraps composting pilot program, as resources allow, with respect to the State House and the Burton M. Cross State Office Building facilities. Under the committee amendment, this participation is mandatory and an appropriation of funds is provided for that purpose. This amendment also removes that appropriation of funds relating to the mandatory participation of the Department of Administrative and Financial Services, Bureau of General Services in the pilot program.

### **Enacted Law Summary**

Public Law 2015, chapter 461 amends the State's solid waste management laws as follows.

1. It establishes a food recovery hierarchy to be used in conjunction with the State's solid waste management hierarchy as a guiding principle in making decisions related to solid waste and organic materials management
2. It updates the State's recycling goal. Current statute sets a goal of recycling or composting 50% of the municipal solid waste tonnage generated each year within the State by January 1, 2014. This law extends that goal deadline to January 1, 2021.
3. It repeals the state waste reduction goal, which focused on the reduction of municipal solid waste generated in

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the State, and establishes a state waste disposal reduction goal focused instead on the statewide per capita reduction of waste disposed of in the State.

4. It provides that revenues collected through the assessment of statutory solid waste fees may be expended by the Department of Environmental Protection to provide grant funding in accordance with the Maine Solid Waste Diversion Grant Program, which is established by this law. The department is directed to annually review current revenues in the Maine Solid Waste Management Fund established in the Maine Revised Statutes, Title 38, section 2201, as well as revenue projections for upcoming years, to determine whether additional revenues are available in the upcoming year to provide grant funding under the grant program and, if funds are available, to designate them for use in accordance with the program.

5. It establishes the Maine Solid Waste Diversion Grant Program to provide grants to public and private entities to assist in the development, implementation or improvement of programs, projects, initiatives and activities designed to increase the diversion of solid waste from disposal in the State. Under the program, priority in the awarding of grants is given to municipal and regional association applicants and to applicants seeking to establish programs, projects, initiatives or activities likely to increase the removal and recycling of organic materials from municipal waste streams.

6. It provides authority for, but does not require, the Department of Environmental Protection to adopt rules imposing fees on the disposal or processing of municipal solid waste and on the disposal of certain types of wastes. Rules adopted pursuant to this authority are major substantive rules and must be consistent with the State's solid waste management hierarchy and food recovery hierarchy. Current waste disposal fees under Title 38, sections 2203-A and 2204 remain unchanged and will continue to be assessed until the department finally adopts rules imposing different waste disposal fees. The law also makes some technical edits to section 2203-A to remove outdated statutory language.

7. It directs the Department of Environmental Protection to develop, implement and administer a food scraps composting pilot program. The department is required to collect data from participating entities and by January 15, 2019 submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing the data collected by each participating entity and any additional findings and including any recommendations for legislation to implement permanent food scraps composting programs or requirements at the state, regional, municipal or local level or to otherwise increase the diversion rate for organic materials in the State. After receiving the report, the committee may report out a bill relating to the report to the First Regular Session of the 129th Legislature.

**LD 394      Resolve, To Lower the Department of Environmental Protection's  
5-point Odor Intensity Referencing Scale for Odor Control at Solid  
Waste Processing Facilities**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K CUSHING A	ONTP	

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve directs the Department of Environmental Protection to amend its Chapter 409 rules in effect on July 27, 2014 relating to the operation of solid waste processing facilities to decrease by 50% the existing concentration levels in water of n-butanol corresponding to each level within the modified five-point odor intensity referencing scale for use in odor control for facilities that process wastewater treatment sludge from publicly owned treatment works and facilities that process septage.