

# MAINE STATE LEGISLATURE

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



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

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

August 2015

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# STATE OF MAINE

127<sup>TH</sup> 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 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.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ....	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. 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 394      Resolve, To Lower the Department of Environmental Protection's  
5-point Odor Intensity Referencing Scale for Odor Control at Solid  
Waste Processing Facilities**

**CARRIED OVER**

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

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 percent 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.

This resolve was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 395      An Act To Clarify Storm Water Management Standards for Expansions  
of Existing Projects**

**PUBLIC 34**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J	OTP-AM	H-46

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the site location of development laws, as set forth in the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 6, to provide that any surface water generated by an expansion project and any new or existing system through which that water flows must comply with the surface water regulatory standards in effect at the time the expansion application is filed if:

1. A development is being expanded and the existing, original development was permitted by a municipality, did not require a permit under the site location of development laws and is being expanded in a manner that triggers the need for a permit; or
2. A development is being expanded and an expansion of the development was previously permitted under the site location of development laws.

If the criteria are not met and as long as a development complied with the applicable standards at the time the existing, original development was created, the surface water generated by the existing, original development and the systems through which that water flows do not need to comply with the regulatory standards in effect at the time the expansion application is filed.

**Committee Amendment "A" (H-46)**

This amendment replaces the bill, changing the bill title and providing an exemption from current storm water management standards for the existing portion of a project that is expanded as long as the existing portion met all applicable state and municipal standards for storm water management in effect at the time the existing portion was constructed. This exemption does not apply to an existing project that is expanded if the existing storm water management system will be used, in whole or in part, to treat storm water flowing from the expanded portion of the existing project; the expanded portion of the existing project; or a redevelopment project.

**Enacted Law Summary**

Public Law 2015, chapter 34 provides an exemption from current storm water management standards for the

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

existing portion of a project that is expanded as long as the existing portion met all applicable state and municipal standards for storm water management in effect at the time the existing portion was constructed. This exemption does not apply to an existing project that is expanded if the existing storm water management system will be used, in whole or in part, to treat storm water flowing from the expanded portion of the existing project; the expanded portion of the existing project; or a redevelopment project.

**LD 396      An Act To Encourage the Use of Alternatives to Single-use Plastic Disposable Bags      ONTP**

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

This bill requires a retailer to assess a 5¢ fee for a single-use plastic disposable bag distributed to a customer at the point of retail sale. The retailer retains 1¢ from each 5¢ fee for administrative costs and may elect to retain an additional 1¢ from each 5¢ fee to provide a carryout program that credits a customer no less than 5¢ for each bag provided by the customer at the point of retail sale for packaging purchases. The revenues from the fee, less the portion retained by the retailer for administrative costs and, if applicable, the carryout program, are credited to the Plastics Recycling Fund administered by the Department of Environmental Protection for the purpose of promoting recycling efforts in the State related to plastics. A retailer may provide recyclable paper products at the point of sale and must provide reusable bags for purchase by a customer. This bill authorizes the Department of Environmental Protection to enforce these laws and impose penalties for violations. This bill also directs that, by January 1, 2016, the Department of Environmental Protection must conduct a public information campaign relating to plastics and their impact on the environment and must implement an outreach campaign aimed at providing reusable bags to residents of the State, especially to elderly and low-income households.

**LD 397      An Act Regarding the Packaging and Labeling of Disposable Cleaning and Personal Hygiene Products      Accepted Majority (ONTP) Report**

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

This bill provides that, effective January 1, 2016, a person may not package or label a disposable cleaning or personal hygiene product for distribution or sale in the State in a package or with a label that states the product is flushable and safe for sewer and septic systems unless the package or label states in a highly visible manner that the product is flushable and safe for sewer and septic systems; the person makes available to the Department of Environmental Protection and maintains written documentation of testing substantiating that the product meets the acceptance criteria for flushability as published in the Guidance Document for Assessing the Flushability of Nonwoven Consumer Products, published by the Association of the Nonwoven Fabrics Industry on June 1, 2013; and this testing has been performed by a laboratory that is capable of performing and qualified to perform the testing. The bill also provides that a person may not package or label a disposable cleaning or personal hygiene product for distribution or sale in the State that is not flushable or safe for sewer and septic systems unless the package or label on the product states in a highly visible manner that the product is not flushable or safe for sewer or septic systems. These requirements do not apply to a wholesaler or retailer that distributes or sells but does not package or label disposable cleaning or personal hygiene products or to liquid, gel or powder cleaning products or septic treatment products. The bill directs the department to adopt rules to implement these provisions.