

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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

**MEMBERS:**

SEN. THOMAS B. SAVIELLO, CHAIR  
SEN. ERIC L. BRAKEY  
SEN. CATHERINE BREEN

REP. JOAN W. WELSH, CHAIR  
REP. ROBERT S. DUCHESNE  
REP. JOHN L. MARTIN  
REP. DENISE PATRICIA HARLOW  
REP. RALPH L. TUCKER  
REP. RICHARD H. CAMPBELL  
REP. ANDREW RUSSELL BUCKLAND  
REP. JEFFERY P. HANLEY  
REP. DUSTIN MICHAEL WHITE  
REP. BENJAMIN M. CHIPMAN

**STAFF:**

DANIEL TARTAKOFF, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE  
FIRST 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 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 442 An Act To Clarify Municipal Capacity for Site Location of Development and Encourage Local Development**

**PUBLIC 28**

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

Current law allows a municipality with capacity to review and approve applications for new developments that trigger the site location of development laws, as well as modifications to developments that were initially reviewed and approved by that municipality. The law, however, does not allow a municipality with capacity to review and approve modifications to a development that was initially reviewed and approved by the Department of Environmental Protection. This bill allows a municipality with capacity to review and approve modifications to an existing development that was initially reviewed and approved by the department.

**Enacted Law Summary**

Public Law 2015, chapter 28 amends the site location of development laws to allow a municipality with capacity to review and approve modifications to an existing development that was initially reviewed and approved by the Department of Environmental Protection.

**LD 467 An Act To Change the Borders of the Saco River Corridor**

**ONTP**

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

This bill reduces the size of the Saco River Corridor. Under current law, the corridor includes lands adjacent to the rivers within the corridor to a distance of 500 feet from the high water line of the rivers or the edge of the floodplain if that extends beyond 500 feet, up to a maximum of 1,000 feet. The bill changes the distance to 250 feet from the high water line or to the edge of the floodplain if that extends beyond 250 feet, up to a maximum of 250 feet.

**LD 468 An Act To Prohibit the Use of Certain Disposable or Polystyrene Food Service Containers**

**Accepted Majority (ONTP) Report**

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

Beginning January 1, 2016, this bill prohibits the sale or distribution, at retail or wholesale, in the State of disposable food service containers composed in whole or in part of polystyrene foam, as well as disposable food service containers that are not recyclable or compostable unless there is no recyclable or compostable product available at a comparable cost. This bill requires the Department of Environmental Protection to adopt rules to implement these statutory provisions.

**Committee Amendment "A" (H-187)**

This amendment, which is the minority report of the committee, amends the bill as follows:

1. It amends the definition of "compostable" to remove the phrase "at a rate consistent with other materials that undergo degradation by biological processes;"

*Joint Standing Committee on Environment and Natural Resources*

- 2. It amends the definition of "disposable food service container" to provide a cross-reference for the term "prepared food" and to clarify that "disposable food service container" does not include items composed entirely of paper or aluminum and does not include polystyrene foam coolers and ice chests that are intended for reuse or for the shipping or transportation of prepared food; and
- 3. It provides that the prohibition in the bill does not apply to the use of disposable food service containers necessary for compliance with applicable state or federal food safety laws, rules or regulations.

**LD 551 An Act To Provide Incentives for Implementation of Municipal Comprehensive Plans To Prevent Sprawl**

**Leave to Withdraw Pursuant to Joint Rule**

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to provide incentives to municipalities that implement comprehensive plans to prevent sprawl.

**LD 568 An Act To Protect Maine Lakes**

**PUBLIC 75**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN BREEN	OTP-AM	H-66

This bill amends the laws governing the Lakes Assessment and Protection Program. It also creates a prohibition on the application of fertilizers within 25 feet of the normal high-water line of a great pond, with exceptions for persons involved in agriculture.

**Committee Amendment "A" (H-66)**

This amendment replaces the bill and creates a prohibition on the application of fertilizers containing phosphorus or nitrogen within 25 feet of the normal high-water line of a great pond, except that a person may apply a fertilizer within 25 feet but not closer than 10 feet of the normal high-water line of a great pond using a drop spreader, rotary spreader with a deflector or targeted spray liquid.

**Enacted Law Summary**

Public Law 2015, chapter 75 creates a prohibition on the application of fertilizers containing phosphorus or nitrogen within 25 feet of the normal high-water line of a great pond, except that a person may apply a fertilizer within 25 feet but not closer than 10 feet of the normal high-water line of a great pond using a drop spreader, rotary spreader with a deflector or targeted spray liquid.

**LD 580 An Act To Extend the Funding Period for Landfill Closure Costs**

**PUBLIC 302**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE SAVIELLO	OTP-AM	H-115