

# 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**

importation, distribution or offering for sale of any but ultra low sulfur distillate fuel.

**LD 659      Resolve, To Increase Recycling in Maine through Increased Composting and Energy Recovery from Organic Wastes      ONTP**

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

This resolve requires the Department of Environmental Protection, with input from stakeholders, to develop a comprehensive strategy to encourage composting and energy recovery from food waste and other organic wastes. It also requires the department to submit the strategy and related recommendations to the Joint Standing Committee on Environment and Natural Resources by January 15, 2016.

**LD 680      An Act To Reduce Waste from Disposable Bags      Accepted Majority (ONTP) Report**

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

This bill requires a retailer to assess a 5¢ fee for a single-use disposable plastic or kraft paper 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 and Paper Recycling Fund administered by the Department of Environmental Protection for the purpose of promoting recycling efforts in the State related to plastics and paper. A retailer must provide reusable bags for purchase by customers. 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 paper 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.

**Committee Amendment "A" (H-84)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

**LD 712      An Act To Increase Organic Waste Recycling in the State      ONTP**

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

This bill enacts a statutory provision directing the Department of Environmental Protection to track state, regional, municipal and local organic waste recycling efforts and, as resources allow, to develop, implement and administer programs to encourage or support organic waste recycling in the State. The department is directed to submit by January 15, 2017, and annually thereafter, a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing its findings and any recommendations

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

related to organic waste recycling, including any proposed legislation to implement its recommendations. After receiving the report, the committee may report out a bill relating to organic waste recycling. The bill also directs the department to develop, implement and administer an organic waste recycling pilot program. For the pilot program, the department is required to invite as participants at least three municipalities and the Legislative Council and the Department of Administrative and Financial Services, Bureau of General Services. The Department of Environmental Protection is directed to provide technical assistance and may provide financial assistance to each participating entity in developing and implementing an organic waste recycling program. Each participating entity must collect data on and document the amount of organic waste diverted from the waste stream by the program, the related cost savings realized by the participating entity and any problems encountered in implementing the program, and must compile this information into a report for the department. The department is directed to analyze the reports submitted by the participating entities and, by January 15, 2017, submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing the findings of the program and including any recommendations for legislation. This bill also adopts a definition for the term "organic waste."

**LD 713      Resolve, To Further Protect Lake Water Quality**

**CARRIED OVER**

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

This resolve directs the Department of Environmental Protection to, as soon as practicable, amend its Rule Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances in effect on the effective date of this resolve to reflect a number of changes, including changes to setbacks for new principal and accessory structures, phosphorus mitigation requirements in conjunction with the expansion of the footprint of a structure within the setback area and requirements for the location of wells within the setback area. The resolve also directs the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding the effectiveness of the department's shoreland zoning rules since January 1, 2005 and to report its findings and any recommendations for legislation to the Joint Standing Committee on Environment and Natural Resources by January 1, 2016. The committee may report out a bill relating to those recommendations to the Second Regular Session of the 127th Legislature.

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

**LD 727      An Act To Allow the Retrofit of Underground Oil Storage Tanks**

**PUBLIC 361**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME	OTP-AM	S-48

This bill authorizes the retrofitting of single-walled underground oil storage tanks with secondary containment meeting certain standards.

**Committee Amendment "A" (S-48)**

This amendment provides that a site assessment of an underground oil storage facility is required when a single-walled underground oil storage tank is retrofitted with secondary containment as authorized in the bill. The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**