

# 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

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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*

Public Law 2015, chapter 361 authorizes the retrofitting of single-walled underground oil storage tanks with secondary containment meeting certain standards.

**LD 750 An Act To Allow Regulated Metal Mining in Maine**

**Accepted Minority (ONTP) Report**

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

This bill provides for a moratorium on metallic mineral exploration or mining in the State. It directs the Department of Environmental Protection, by January 1, 2017, to provisionally adopt and submit for legislative review major substantive rules related to the Maine Metallic Mineral Mining Act. These rules must:

1. Include standards necessary to protect the public health and safety and the environment;
2. Comply with all applicable federal environmental laws and standards;
3. Require that all mining areas be left in or returned to a geologically stable condition following remediation and closure;
4. Require the permittee to provide a specific plan for ensuring that all mining areas will be left in or returned to a geologically stable condition following remediation and closure;
5. Require the permittee to demonstrate that the environmental quality and security of the site will be protected through the use of proven technologies and best available practices and require use of these technologies and practices as a permit condition;
6. Require that all remediation costs related to a mining area are paid by the permittee and not by the State;
7. Require that the financial assurance method approved for and the financial assurance amount required for a permittee be determined by an independent third-party expert with a background in mining;
8. Prohibit in situ leaching, heap leaching and block caving;
9. Prohibit the granting of a permit to certain applicants; and
10. Implement a framework for permitting a mining activity that includes several well-defined decision points for the department to conduct additional review of the permitted activities.

The bill provides that the department may not finally adopt the rules unless the Legislature authorizes final adoption. The moratorium remains in effect until the Legislature authorizes final adoption of the department's rules and the department finally adopts those rules. The bill also provides for accompanying major substantive rulemaking by the Maine Land Use Planning Commission regarding certification of mining permit applications.

**Committee Amendment "A" (H-272)**

This amendment, which is the majority report of the committee, replaces the bill and authorizes final adoption by the Department of Environmental Protection of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a provisionally adopted major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review on January 10, 2014 and that was also submitted to the Legislature for review on January 9, 2015 only if a number of specified changes to the rule are made. The amendment also

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

provides for a number of corresponding changes to the Maine Metallic Mineral Mining Act and for rulemaking by the Maine Land Use Planning Commission related to commission certification of metallic mineral mining permit applications as described in the Act.

**LD 765      Resolve, To Develop a Statewide Plan for the Disposal of Household Hazardous Waste      ONTP**

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

This resolve directs the Department of Environmental Protection to design a statewide plan for the collection of household hazardous waste and to develop a long-term funding mechanism to support the plan. It directs the department to consider designating regional collection locations for the acceptance of household hazardous waste and to submit a report relating to the plan to the Joint Standing Committee on Environment and Natural Resources by December 2, 2015 and authorizes the committee to report out a bill regarding the subject matter of the department's report.

**LD 795      An Act To Encourage Prudent Development along the Coast or in a Flood Zone by Considering Predictions for Sea Level Rise      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN GERZOFSKY		

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures that would require sea level model predictions to be taken into account in the design phase of any development project on the coast or in a flood zone if more than 10 percent of the total funding for the project is state funding. "Development project" includes, but is not limited to, the development of buildings, land, walkways, bridges, roads, culverts and piers. The bill also proposes to enact measures to require coordination among state and federal agencies, universities and stakeholders concerning development projects on the coast or in a flood zone that may be affected by sea level rise.

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

**LD 824      An Act Regarding Ethanol Motor Fuel      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR BRAKEY	OTP-AM	H-74

This bill amends the law regarding ethanol-enhanced motor fuel to clarify that a motor fuel distributor, franchisor or refiner may not impose any condition, restriction, agreement or understanding that prohibits or limits the sale, resale, transfer or purchase of conventional, ethanol-free motor fuel products in the State. The bill also directs the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding motor fuel and fuel additives, including, but not limited to, acetaldehyde in ethanol motor fuel. The stakeholder group is directed to study the State's compliance with the federal Clean Air Act Amendments of 1990 with respect to emissions of acetaldehyde produced by the combustion of ethanol motor fuel, and conduct a comprehensive review of the statewide costs associated with the acetaldehyde in ethanol motor fuel, including the corrosive effects of acetaldehyde on small engines, the effects of acetaldehyde on marine resources in the State and the negative impact such effects have on business in the State. The commissioner shall report the stakeholder group's findings to the