

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH 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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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 127th 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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 127th 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.

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more stringent than the requirements set forth in statute; and

5. It provides that a collection site that uses environmentally sound management practices is not subject to penalties for violation of the department's rules related to post-consumer paint.

The amendment also adds an appropriations and allocations section and an emergency preamble and an emergency clause.

Enacted Law Summary

Public Law 2015, chapter 331 amends the laws governing the stewardship program for architectural paint as follows:

1. It amends the definitions of the terms "architectural paint" and "consumer" and adds new definitions for the terms "collection container," "collection site," "conditionally exempt small quantity generator" and "post-consumer paint that is a hazardous waste;"
2. It amends the requirements regarding the information to be included in a submitted plan for the establishment of a paint stewardship program;
3. It provides new requirements applicable to participating collection sites under an approved paint stewardship program, including directives on the collection and storage of post-consumer paint, record-keeping by collection sites and acceptance of post-consumer paint that is a hazardous waste;
4. It provides that, except as may otherwise be required by federal law or under an approved paint stewardship program plan, the Department of Environmental Protection may not impose requirements on collection sites that are more stringent than the requirements set forth in statute; and
5. It provides that a collection site that uses environmentally sound management practices is not subject to penalties for violation of the department's rules related to post-consumer paint.

Public Law 2015, chapter 331 was enacted as an emergency measure effective July 12, 2015.

LD 1045

An Act To Modify the Laws Regarding the Collection and Recycling of Mercury-added Thermostats

PUBLIC 83

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO MARTIN J	OTP-AM	S-62

This bill amends the laws regarding the collection and recycling of mercury-added thermostats as follows:

1. It adds a definition for the term "contractor";
2. It clarifies that the financial incentive provided for the return of a mercury-added thermostat is to be provided to the contractor or homeowner who removed the thermostat from service;
3. It changes the due date on the annual manufacturer's report to the Department of Environmental Protection from January 30th to April 1st and removes the requirement that the report contain an accounting of administrative costs;
4. It requires contractors to submit annual reports to the department containing information on the contractor and the thermostats removed from service and disposed of during the previous calendar year; and

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5. It repeals at a future date certain portions of the laws regarding the collection and recycling of mercury-added thermostats.

The bill also directs the department to review the financial incentive plan under the laws regarding the collection and recycling of mercury-added thermostats and, by February 15, 2016, submit a report to the Joint Standing Committee on Environment and Natural Resources addressing certain aspects of the plan and, where applicable, recommending legislation to amend the plan or other relevant laws.

Committee Amendment "A" (S-62)

This amendment replaces the bill and amends the laws regarding the collection and recycling of mercury-added thermostats as follows:

1. It retains the provision from the bill that adds a definition for the term "contractor";
2. It clarifies that the financial incentive provided for the return of a mercury-added thermostat is to be provided to any person who returns a mercury-added thermostat to an established recycling collection point; and
3. It retains the provision from the bill that changes the due date on the annual manufacturer's report to the Department of Environmental Protection from January 30th to April 1st and removes the requirement that the report contain an accounting of administrative costs.

The amendment also retains the provision from the bill that directs the department to review the financial incentive plan under the laws regarding the collection and recycling of mercury-added thermostats and, by February 15, 2016, submit a report to the Joint Standing Committee on Environment and Natural Resources addressing certain aspects of the plan and, where applicable, recommending legislation to amend the plan or other relevant laws.

The amendment removes from the bill the provisions that require contractors to submit annual reports to the department containing information on the contractor and the thermostats removed from service and disposed of during the previous calendar year and that repeal at a future date certain portions of the laws regarding the collection and recycling of mercury-added thermostats.

Enacted Law Summary

Public Law 2015, chapter 83 amends the laws regarding the collection and recycling of mercury-added thermostats as follows:

1. It adds a definition for the term "contractor;"
2. It clarifies that the financial incentive provided for the return of a mercury-added thermostat is to be provided to any person who returns a mercury-added thermostat to an established recycling collection point; and
3. It changes the due date on the annual manufacturer's report to the Department of Environmental Protection from January 30th to April 1st and removes the requirement that the report contain an accounting of administrative costs.

Public Law 2015, chapter 83 also directs the department to review the financial incentive plan under the laws regarding the collection and recycling of mercury-added thermostats and, by February 15, 2016, submit a report to the Joint Standing Committee on Environment and Natural Resources addressing certain aspects of the plan and, where applicable, recommending legislation to amend the plan or other relevant laws.