

# 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 1128**

**An Act To Make Minor Changes and Corrections to Statutes  
Administered by the Department of Environmental Protection**

**PUBLIC 124**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO WELSH	OTP-AM	S-91

This bill makes changes to various reporting requirements in the environmental protection laws. It eliminates a biennial report to the Legislature by the directors of the Clean Government Initiative and regular reports by the Commissioner of Environmental Protection on the status of licensed discharges and oil spill prevention and control. Instead of requiring the commissioner to report annually to the Legislature on the surface water ambient toxic monitoring program, this bill requires a limited biennial executive summary. It changes a cross-reference to correct the citation. It changes rule-making authority regarding hazardous waste, waste oil and biomedical waste by moving authority from the Board of Environmental Protection to the commissioner.

**Committee Amendment "A" (S-91)**

This amendment retains the provisions from the bill except as follows:

1. It allows for the submission of an executive summary of the Commissioner of Environmental Protection's report on the surface water ambient toxic monitoring program to the joint standing committees of the Legislature having jurisdiction over natural resources matters and marine resources matters and requires the full report to be published on the Department of Environmental Protection's website and a copy or copies to be provided to the State Librarian and retains the requirements that the report contain the annual work program for the past year and the current year and the results of the dioxin monitoring program;
2. It retains the commissioner's report on the status of licensed discharges but changes the reporting frequency from annual to biennial; and
3. It provides that rule-making authority on the transportation, collection and storage of waste oil and on the registration, design and operation of used oil collection centers for the purposes of the Maine Revised Statutes, Title 38, section 1319-Y remains with the Board of Environmental Protection and is not transferred to the commissioner.

**Enacted Law Summary**

Public Law 2015, chapter 124 makes changes to various reporting requirements and rule-making authority in the environmental protection laws as follows:

1. It eliminates a biennial report to the Legislature by the directors of the Clean Government Initiative;
2. It changes the reporting frequency on the Commissioner of Environmental Protection's report on the status of licensed discharges from annual to biennial;
3. It allows for the submission of an executive summary of the commissioner's report on the surface water ambient toxic monitoring program to the joint standing committees of the Legislature having jurisdiction over natural resources matters and marine resources matters and requires the full report to be published on the Department of Environmental Protection's website and a copy or copies to be provided to the State Librarian and retains the requirements that the report contain the annual work program for the past year and the current year and the results of the dioxin monitoring program;
4. It eliminates a biennial report to the Legislature by the commissioner on oil spill prevention and control; and

## Joint Standing Committee on Environment and Natural Resources

5. It changes rule-making authority regarding hazardous waste, waste oil and biomedical waste by moving authority from the Board of Environmental Protection to the commissioner, except that rule-making authority on the transportation, collection and storage of waste oil and on the registration, design and operation of used oil collection centers for the purposes of the Maine Revised Statutes, Title 38, section 1319-Y remains with the board and is not transferred to the commissioner.

**LD 1194     An Act To Allow Municipalities To Contract with and Dispose of Waste,                                         ONTP**  
**including Residue, in State-owned Solid Waste Disposal Facilities, as**  
**Allowed under a Facility License, To Ensure Compliance with the Solid**  
**Waste Management Hierarchy**

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

This bill ensures compliance with the solid waste management hierarchy established in the Maine Revised Statutes, Title 38, section 2101 by authorizing a municipality or regional association to enter into a contract or agreement with the owner or operator of a state-owned solid waste disposal facility in order to utilize the facility for managing solid waste generated within the State, including for the disposal of residue from a solid waste processing facility. This bill also prohibits the owner or operator of a state-owned solid waste disposal facility from entering into, implementing or enforcing a contract or agreement with any person to prohibit, directly or indirectly, a municipality or regional association from entering into a contract or agreement with the owner or operator of the facility to utilize the facility for managing solid waste generated within the State, including for the disposal of residue from a solid waste processing facility.

**LD 1204     An Act To Increase Recycling and Composting by Creating the Maine                                         ONTP**  
**Recycling Fund**

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

This bill establishes the Recycling Grants and Low-interest Loan Program and the Maine Recycling Fund under the Department of Environmental Protection to assist municipalities and persons engaged in the business of collecting, transporting, processing or marketing recyclable materials and to fund activities designed to enhance the State's recycling rate and the diversion of recyclable materials that would otherwise be disposed of in a landfill or processed at a waste-to-energy facility. The bill requires the fund to be used only to fund the program and to provide assistance to municipal recycling efforts.

The bill also establishes the Recycling Public Advisory Council to assist the department in the administration of the program. The bill directs the council, in cooperation and consultation with the department, to initiate and conduct public outreach and education programs on the purposes and value of source-separated recycling, or recycling by separation at the point of generation, and sustainable materials management in order to maximize the recovery of all recyclable materials and yard waste generated by commercial and residential sectors.

This bill phases out beverage containers 32 ounces and greater in capacity from the bottle redemption laws beginning December 1, 2016 and ends the liability of redemption centers and dealers to consumers for deposits on January 1, 2017 and the liability of manufacturers and distributors to redemption centers for deposits and handling fees on February 1, 2018. The bill requires manufacturers and distributors of bottles 32 ounces or greater in capacity to pay a fee, beginning December 1, 2016 and ending December 1, 2022, at the rate of \$0.005 per beverage container delivered for sale or distribution during any month in order to provide revenue to the fund.