

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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STATE OF MAINE

127TH 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 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.

Joint Standing Committee on Environment and Natural Resources

Enacted Law Summary

Public Law 2015, chapter 264 repeals procedures related to the review of an application for a grid-scale wind energy development and provides permitting requirements for small-scale wind energy developments. It amends the laws governing the establishment of water level regimes to provide that after October 1, 2015 but before October 1, 2016 the Commissioner of Environmental Protection may not conduct an adjudicatory hearing for the purpose of or issue an order establishing a water level regime or minimum flow requirements, except that the commissioner may conduct an adjudicatory hearing or issue an order for these purposes on requests or petitions submitted prior to October 1, 2015. All orders establishing a water level regime issued prior to October 1, 2015 remain in effect and enforceable until they expire or are amended or rescinded. It also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill to the Second Regular Session of the 127th Legislature relating to the establishment of water level regimes.

LD 1303

An Act To Stabilize and Streamline the Department of Environmental Protection's Ground Water Oil Clean-up Fund and Maine Coastal and Inland Surface Oil Clean-up Fund

**PUBLIC 319
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO WELSH	OTP-AM	S-301

This bill combines current provisions of law related to the Ground Water Oil Clean-up Fund and the Maine Coastal and Inland Surface Oil Clean-up Fund. It streamlines administration of oil clean-up funds and stabilizes funding for clean-up activities. It improves government administration by combining two boards with expertise in oil spill prevention and cleanup and responsibility for fund oversight into one, and it streamlines fee requirements from two separate amounts for each product type into one.

Committee Amendment "A" (S-301)

This amendment adds an emergency preamble and emergency clause and retains all provisions from the bill except as follows:

1. It provides that the balance in the new Maine Ground and Surface Waters Clean-up and Response Fund is limited to \$18,500,000;
2. It provides that unrefined crude oil is not subject to the funding provision for the new Maine Ground and Surface Waters Clean-up and Response Fund that allows for fee increases when the fund balance falls to \$6,000,000 or less;
3. It provides additional specific fee information for reimbursement of fees imposed on transfers out of state;
4. It removes from the bill certain changes to the statutory standard deductible amounts for coverage of clean-up costs and eligible third-party damage costs under the new Maine Ground and Surface Waters Clean-up and Response Fund. It eliminates from the bill the section that transfers from the Board of Environmental Protection to the Clean-up and Response Fund Review Board the authority to adopt rules to determine the standards for assessing an applicant's ability to pay the deductible with respect to the applicant's personal residence; and
5. It amends certain provisions of the bill governing the appointment of members to the Clean-up and Response Fund Review Board.

The amendment also makes necessary changes to statutory cross-references and adds an appropriations and allocations section.

Joint Standing Committee on Environment and Natural Resources

Enacted Law Summary

Public Law 2015, chapter 319 combines current provisions of law related to the Ground Water Oil Clean-up Fund and the Maine Coastal and Inland Surface Oil Clean-up Fund. It streamlines administration of oil clean-up funds and stabilizes funding for clean-up activities. It improves government administration by combining two boards with expertise in oil spill prevention and cleanup and responsibility for fund oversight into one, and it streamlines fee requirements from two separate amounts for each product type into one.

Public Law 2015, chapter 319 was enacted as an emergency measure effective July 4, 2015.

LD 1359 An Act To Assist Municipalities with the Recycling of Solid Waste by ONTP
Allowing Net Electrical Billing Credits

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

This bill provides that a municipality that operates a program of solid waste reuse, reduction, recycling and composting may send municipal solid waste to a waste-to-energy facility and receive credits on the municipality's electricity bill for the electricity that is generated from the incineration of the municipal solid waste.

LD 1366 An Act To Promote Recycling Program Integration and Efficiencies PUBLIC 166

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO CAMPBELL R	OTP-AM ONTP	S-169

This bill transfers administration of the provisions regarding returnable beverage containers from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection.

Committee Amendment "A" (S-169)

This amendment, which is the majority report of the committee, makes a number of minor corrections to the bill, including the correction of a statutory cross-reference. It also changes a reference to the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection.

Enacted Law Summary

Public Law 2015, chapter 166 transfers administration of the provisions regarding returnable beverage containers from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection.

LD 1427 Resolve, Regarding the Department of Environmental Protection's Rule RESOLVE 22
Chapter 500: Stormwater Management EMERGENCY

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

This resolve is reported out by the Joint Standing Committee on Environment and Natural Resources pursuant to Joint Order S.P. 528. It provides for final adoption by the Department of Environmental Protection of portions of Rule Chapter 500: Stormwater Management, a major substantive rule of the department that was submitted for