

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND  
NATURAL RESOURCES**

May 2016

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

SECOND REGULAR SESSION



## 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 Second 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.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is July 29, 2016. 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

Resolve 2015, chapter 63 authorizes final adoption of portions of Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act, a major substantive rule of the Department of Environmental Protection.

Resolve 2015, chapter 63 was finally passed as an emergency measure effective March 16, 2016.

**LD 1570      Resolve, Regarding Legislative Review of Chapter 380: Long-term Construction Projects Under the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 64  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of Chapter 380: Long-term Construction Projects Under the Site Location of Development Act, a major substantive rule of the Department of Environmental Protection.

### Enacted Law Summary

Resolve 2015, chapter 64 authorizes final adoption of Chapter 380: Long-term Construction Projects Under the Site Location of Development Act, a major substantive rule of the Department of Environmental Protection.

Resolve 2015, chapter 64 was finally passed as an emergency measure effective March 16, 2016.

**LD 1578      An Act To Update Maine's Solid Waste Management Laws**

**Died On  
Adjournment**

Sponsor(s)

Committee Report

Amendments Adopted

SAVIELLO T  
CAMPBELL R

OTP-AM

This bill amends the State's solid waste management laws as follows.

1. It establishes a product stewardship program for small batteries.
2. It updates the State's recycling goal. Current statute sets a goal of recycling or composting 50% of the municipal solid waste tonnage generated each year within the State by January 1, 2014. This bill extends that goal deadline to January 1, 2021.
3. It implements a commercial food waste composting requirement under which a large quantity commercial food waste generator that is located within 20 miles of a composting facility with available capacity to accept the food waste produced by the generator is required to deliver all food waste produced to a composting facility for processing. A large quantity commercial food waste generator is a commercial entity that generates one ton or more of food waste per week. This bill authorizes the Department of Environmental Protection to provide a large quantity commercial food waste generator a waiver from the composting requirement if compliance would result in substantial financial hardship for the generator.
4. It eliminates the current statutory waste handling fee of \$1 per ton on the disposal at a commercial, municipal, state-owned or regional association landfill of municipal solid waste ash and front end process residue.

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

5. It expands the assessment of a statutory municipal solid waste surcharge. Current statute requires the assessment of a \$2 per ton surcharge on the disposal of municipal solid waste at a commercial, municipal or regional association landfill. This bill reduces that surcharge to \$1 per ton but assesses the surcharge on municipal solid waste disposed of or received for processing, composting or other treatment at a commercial, municipal, regional association or state-owned solid waste disposal facility, solid waste processing facility, incineration facility or solid waste landfill.

6. It directs revenues collected through the assessment of the municipal solid waste surcharge to the Maine Composting and Recycling Grant and Low-interest Loan Program, which is established by this bill. This program provides grants and low-interest loans to public and private entities to assist in the development, implementation or improvement of programs, projects, initiatives and activities designed to increase composting and recycling rates within the State. Under the program, priority in the awarding of grants or loans is given to municipal applicants and to applicants seeking to establish programs, projects, initiatives or activities likely to increase composting rates.

7. It directs the Department of Environmental Protection to amend existing rules or adopt new rules regarding the returnable beverage container law to require a deposit and refund value on beverage containers containing Maine-produced apple cider and Maine-produced blueberry juice. Under the existing statutory and regulatory framework, both of these products are exempt from the returnable beverage container law.

8. It directs the Department of Environmental Protection to amend existing rules regarding the beneficial use of solid wastes to amend fuel quality standards for construction and demolition debris wood fuel to increase allowances for chromated copper arsenate treated wood and for material known as "#4 minus fines."

9. It directs the Department of Environmental Protection to develop, implement and administer a food waste composting pilot program. The department is required to collect data from participating entities and by January 15, 2018 submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing the data collected by each participating entity and any additional findings and including any recommendations for legislation to implement permanent food waste composting programs or requirements at the state, regional, municipal or local level or to otherwise increase recycling rates for organic materials in the State. After receiving the report, the committee may report out a bill relating to the report to the Second Regular Session of the 128th Legislature.

### **Committee Amendment "A" (S-448)**

This amendment strikes and replaces the bill and amends the State's solid waste management laws as follows.

1. It establishes a product stewardship program for batteries.
2. It establishes a food recovery hierarchy to be used in conjunction with the State's solid waste management hierarchy as a guiding principle in making decisions related to solid waste and organic materials management
3. It updates the State's recycling goal. Current statute sets a goal of recycling or composting 50% of the municipal solid waste tonnage generated each year within the State by January 1, 2014. This amendment extends that goal deadline to January 1, 2021.
4. It repeals the state waste reduction goal, which focused on the reduction of municipal solid waste generated in the State, and establishes a state waste disposal reduction goal focused instead on the statewide per capita reduction of waste disposed of in the State.
5. It provides that revenues collected through the assessment of statutory solid waste fees may be expended by the Department of Environmental Protection to provide grant funding in accordance with the Maine Solid Waste Diversion Grant Program, which is established by this amendment. The department is directed to annually review

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

current revenues in the Maine Solid Waste Management Fund established in the Maine Revised Statutes, Title 38, section 2201, as well as revenue projections for upcoming years, to determine whether additional revenues are available in the upcoming year to provide grant funding under the grant program and, if funds are available, to designate them for use in accordance with the program.

6. It establishes the Maine Solid Waste Diversion Grant Program to provide grants to public and private entities to assist in the development, implementation or improvement of programs, projects, initiatives and activities designed to increase the diversion of solid waste from disposal in the State. Under the program, priority in the awarding of grants is given to municipal and regional association applicants and to applicants seeking to establish programs, projects, initiatives or activities likely to increase the removal and recycling of organic materials from municipal waste streams.

7. It provides authority for, but does not require, the Department of Environmental Protection to adopt rules imposing fees on the disposal or processing of municipal solid waste and on the disposal of certain types of wastes. Rules adopted pursuant to this authority are major substantive rules and must be consistent with the State's solid waste management hierarchy and food recovery hierarchy. Current waste disposal fees under the Maine Revised Statutes, Title 38, sections 2203-A and 2204 remain unchanged and will continue to be assessed until the department finally adopts rules imposing different waste disposal fees. The amendment also makes some technical edits to section 2203-A to remove outdated statutory language.

8. It directs the Department of Environmental Protection to develop, implement and administer a food scraps composting pilot program and provides funds to the Department of Administrative and Financial Services to establish such a pilot program. The Department of Environmental Protection is required to collect data from participating entities and by January 15, 2019 submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing the data collected by each participating entity and any additional findings and including any recommendations for legislation to implement permanent food scraps composting programs or requirements at the state, regional, municipal or local level or to otherwise increase the diversion rate for organic materials in the State. After receiving the report, the committee may report out a bill relating to the report to the First Regular Session of the 129th Legislature.

9. It adds an appropriations and allocations section.