

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

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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 128th 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 FINAL 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 128th Legislature is Wednesday, November 1, 2017. 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

collection and recycling of used plastic bags to ensure consistency with the implementation of the plastic bag prohibition.

Committee Amendment "A" (H-18)

This amendment, which is the majority report of the committee, replaces the bill, changes the title and establishes a new state policy to promote the use of reusable bags and locally recyclable alternatives to disposable polystyrene foam food service containers as a way for consumers to reduce waste caused by disposable plastic bags and disposable polystyrene foam food service containers. To support that policy, the amendment:

1. Establishes goals for municipal adoption of reusable bag ordinances and polystyrene foam food service container ordinances;
2. Facilitates the sharing by the Department of Environmental Protection of information regarding municipally adopted reusable bag ordinances and polystyrene foam food service container ordinances; and
3. Directs the department to submit an annual report, beginning February 15, 2020, to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters that details municipal progress on the goals set forth under this policy and includes any recommendations to further promote the use of reusable bags and locally recyclable alternatives to disposable polystyrene foam food service containers.

The amendment also retains an existing provision of law that provides for the collection and recycling of used plastic bags by retailers but clarifies the responsibilities of the department under that provision.

LD 103 An Act To Prohibit the Use of Certain Disposable Food Service Containers ONTP

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

Beginning January 1, 2018, this bill prohibits the sale or distribution, at retail or wholesale, in the State of disposable food service containers composed in whole or in part of polystyrene foam, as well as disposable food service containers that are not recyclable or compostable unless there is no recyclable or compostable product available at a comparable cost. This bill requires the Department of Environmental Protection to adopt rules to implement these statutory provisions.

LD 160 An Act To Prohibit the Mining of Massive Sulfide Ore Deposits under the Maine Metallic Mineral Mining Act Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE R SAVIELLO T	ONTP OTP-AM	

This bill amends the Maine Metallic Mineral Mining Act to prohibit the Department of Environmental Protection from approving an application for a mining permit if the applicant proposes to mine a metallic mineral ore deposit that contains a massive sulfide ore deposit. The bill defines a "massive sulfide ore deposit" as a metal sulfide ore deposit that, as determined by the Maine Geological Survey, contains in total 1,000,000 tons or more of metallic minerals.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (H-158)

This amendment, which is the minority report of the committee, changes the title of the bill and replaces the bill. It repeals the Maine Metallic Mineral Mining Act and enacts a prohibition on the issuance of a permit, lease or license for or other approval or authorization of the mining of metallic minerals in the State for commercial or industrial purposes.

This amendment was not adopted.

**LD 182 An Act To Protect Firefighters by Establishing a Prohibition on the Sale PUBLIC 311
and Distribution of New Upholstered Furniture Containing Certain
Flame-retardant Chemicals**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W	OTP-AM	H-215
BREEN C	OTP-AM	S-338 SAVIELLO T

This bill prohibits a person from selling or offering for sale or distributing for promotional purposes new upholstered furniture containing more than 0.1% of a flame-retardant chemical or containing more than 0.1% of a mixture that includes flame-retardant chemicals.

Committee Amendment "A" (H-215)

This amendment, which is the majority report of the committee, amends the bill as follows:

1. It delays by one year to January 1, 2019, the proposed sales prohibition on new upholstered furniture containing flame-retardant chemicals;
2. It clarifies that the prohibition applies only to flame-retardant chemicals contained in the fabric or other covering or the cushioning materials of new upholstered furniture;
3. It allows retailers and wholesalers that have acquired new upholstered furniture containing flame-retardant chemicals for sale or distribution in the State prior to the effective date of the prohibition to sell, offer for sale or distribute for promotional purposes that furniture after the effective date of the prohibition; and
4. It clarifies the rule-making authority of the Department of Environmental Protection under the bill. The amendment also adds an appropriations and allocations section for costs to the department associated with the development and implementation of the prohibition program and the coordination of laboratory testing of furniture.

Committee Amendment "B" (H-216)

This amendment, which is the minority report of the committee, replaces the bill and prohibits, effective January 1, 2019, the sale, offering for sale or distribution for promotional purposes in the State new upholstered furniture unless the furniture meets standards for upholstered furniture, developed by the Department of Environmental Protection by rule, that reduce the hazards associated with smoldering ignition. The department shall, by June 1, 2018, develop the standards by rule, which must be consistent with the California Department of Consumer Affairs, Bureau of Electronics and Appliance Repair, Home Furnishings and Thermal Insulation's Technical Bulletin 117-2013.

The amendment also adds an appropriations and allocations section for costs to the Department of Environmental Protection to develop and oversee activities related to the adoption of the prohibition on the sale of new upholstered