

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<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**

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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 128<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 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 128<sup>th</sup> 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*

**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 and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals**

**PUBLIC 311**

| <u>Sponsor(s)</u>    | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| KUMIEGA W<br>BREEN C | OTP-AM<br>OTP-AM        | H-215<br>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

*Joint Standing Committee on Environment and Natural Resources*

furniture that does not meet Department of Environmental Protection standards.

This amendment was not adopted.

**Senate Amendment "B" To Committee Amendment "A" (S-338)**

This amendment increases the funding provided to the Department of Environmental Protection in fiscal year 2017-18 to provide funding for a full-time Environmental Specialist III position.

This amendment also provides for the transfer of funds from the Medical Use of Marijuana Fund, Other Special Revenue Funds account in the Department of Health and Human Services to the unappropriated surplus of the General Fund.

**Enacted Law Summary**

Public Law 2017, chapter 311 prohibits a person from selling or offering for sale or distributing for promotional purposes new upholstered furniture containing in its fabric or other covering or in its cushioning materials more than 0.1% of a flame-retardant chemical or containing more than 0.1% of a mixture that includes flame-retardant chemicals. This prohibition takes effect January 1, 2019.

**LD 227      An Act To Exclude Cardboard Beverage Containers from the Laws      PUBLIC 10  
Governing Returnable Beverage Containers**

| <u>Sponsor(s)</u>     | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| SAVIELLO T<br>BLACK R | OTP-AM                  | S-4                       |

This bill excludes from the definition of "beverage container" in the laws governing returnable beverage containers a container composed of compressed recycled cardboard with a plastic liner.

**Committee Amendment "A" (S-4)**

This amendment deletes from the bill the phrase "compressed recycled," thereby providing that all beverage containers composed of cardboard with a plastic liner are excluded from the laws governing returnable beverage containers.

**Enacted Law Summary**

Public Law 2017, chapter 10 excludes from the definition of "beverage container" in the laws governing returnable beverage containers a container composed of cardboard with a plastic liner.

**LD 253      An Act To Repeal the Maine Metallic Mineral Mining Act      ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CHAPMAN R         | ONTP                    |                           |

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to repeal the Maine Metallic Mineral Mining Act, as contained in the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 9, which was enacted in 2012 under Public Law 2011, chapter 653. In addition to repealing the Maine Metallic Mineral Mining Act, this bill would repeal any other statutory provisions enacted as part of Public Law 2011, chapter 653 and would reenact any statutory provisions that were repealed under that same legislation. This bill would further direct the Department of Environmental Protection and the