

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**

August 2017

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STATE OF MAINE

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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

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 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

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Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission to engage in separate rule-making processes to remove any changes to their respective rules that were implemented in accordance with Public Law 2011, chapter 653.

LD 254 An Act To Implement a Moratorium on Metallic Mineral Mining ONTP

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

This bill implements a moratorium on metallic mineral mining in the State by prohibiting the Department of Environmental Protection from issuing a permit to mine under the Maine Metallic Mineral Mining Act.

LD 349 An Act To Facilitate the Recycling of Discarded Mattresses Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM ONTP	S-58

This bill provides for the establishment of a new stewardship program in the State for discarded mattresses. Under the bill, a producer of mattresses, or an organization comprising one or more producers of mattresses, submits a plan for the establishment of a mattress stewardship program to the Commissioner of Environmental Protection for approval. Once approved, a program operates to provide convenient, free statewide collection opportunities for discarded mattresses, and discarded mattresses collected through the program are recycled or otherwise responsibly managed. A program is funded through the imposition of a mattress stewardship assessment, subject to review and approval by the commissioner, which is added to the purchase price of all mattresses sold in the State.

Committee Amendment "A" (S-58)

This amendment, which is the majority report of the committee, replaces the bill, changes the title and applies, starting January 1, 2018 and ending December 31, 2021, a recycling fee of \$5 on each mattress sold at retail in the State. This mattress recycling fee is to be deposited in the Mattress Recycling Grant Fund to support the Mattress Recycling Grant Program, which are both established in the amendment. Revenue in the Mattress Recycling Grant Fund is to be used by the Department of Environmental Protection to provide grants under the Mattress Recycling Grant Program to public and private entities demonstrating that a proposed program, project, initiative or activity is likely to increase the recycling and diversion from disposal of discarded mattresses within a particular community, municipality or region or the State. These provisions are repealed December 31, 2022. The amendment also adds an appropriations and allocations section.

**LD 357 An Act To Increase Penalties for the Discharge of Sewage, Septic Fluids, PUBLIC 49
Garbage, Sanitary Waste or Other Pollutants from Watercraft into
Inland Waters**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J	OTP-AM	H-59

This bill establishes a penalty of not less than \$1,000 for the discharge of waste from watercraft in inland waters or for operating on inland waters a watercraft that has a permanently installed sanitary waste disposal system if it does not have a holding tank to prevent the discharge of sanitary waste into inland waters.