

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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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

This amendment amends the bill by adding an effective date of April 1, 2018.

LD 576 An Act To Amend the Laws Governing Funding for Landfill Closure Costs **Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J DUNPHY M	OTP-AM ONTP	S-47

This bill extends the eligibility period for closure costs for a landfill that currently applies only to a landfill licensed on or before September 1, 1989. The bill provides that if a license application for a landfill was received on or before September 1, 1989, and the application was approved by the Commissioner of Environmental Protection within one year of receipt, the landfill is eligible for payment of 75% of certain closure costs by the Department of Environmental Protection.

Committee Amendment "A" (S-47)

This amendment, which is the majority report of the committee, amends the bill by clarifying that the eligibility of a landfill for reimbursement of certain closure and remediation costs under the Maine Revised Statutes, Title 38, section 1310-F is dependent on whether the landfill was issued a license on or before September 1, 1989 or whether the landfill's license application was accepted for processing by the Department of Environmental Protection on or before September 1, 1989, and such license was approved within one year of the date the license application was accepted for processing.

LD 577 An Act Regarding Zero-emissions Vehicles **ONTP**

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

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

This bill proposes to direct the Department of Environmental Protection, in recognition of state goals regarding emissions reductions, to modify rules associated with the sale of zero-emissions vehicles to reflect current market conditions and to identify ways that the State could meet its goals through the procurement of zero-emissions vehicles for state transportation fleets.

LD 580 An Act To Modify the Mining Laws **ONTP**

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

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

This bill proposes to enact provisions amending the State's mining laws, including, but not limited to, the following.

1. It would amend the laws regarding mining on state lands under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 to prohibit the issuance of a mining lease under that chapter authorizing mining operations located wholly or partially in, on or under designated lands, state historic sites, state parks, public reserved lands,

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the Allagash Wilderness Waterway or state-owned wildlife management areas.

2. It would amend the Maine Metallic Mineral Mining Act, referred to in this summary as "the mining act," to prohibit the issuance of a mining permit if any part of a proposed mining operation will be located wholly or partially in, on or under designated lands, state historic sites, state parks, public reserved lands, the Allagash Wilderness Waterway or state-owned wildlife management areas.
3. It would amend the definition of "mining area" under the mining act to clarify that each mining operation or activity must have a defined mining area and it would limit the allowance for groundwater contamination within a mining area under the mining act.
4. It would amend the mining act to prohibit the placement of any mining operation in, on or under a flood plain or a flood hazard area.
5. It would amend the mining act to prohibit the placement of any mining operation in or on a river, stream or brook or in, on or under a great pond or the coastal waters of the State.
6. It would clarify, for the purposes of the mining act, that mining by in situ leaching is prohibited.
7. It would require an applicant for a permit or a permittee under the mining act to provide special financial assurance coverage for a worst-case mining event or failure, with the amount of the coverage to be determined by the Department of Environmental Protection as based on an independent third-party cost estimate paid for by the applicant. Prior to commencing any mining operation or activity under an approved permit, a permittee would be required to fully fund, with cash or cash equivalents, a trust fund in the amount of this special financial assurance coverage.

The bill also proposes to enact a prohibition on metallic mineral mining in the State and to direct a corresponding repeal of all state agency rules relating to metallic mineral mining contingent upon the failure of the Department of Environmental Protection to finally adopt major substantive rules for metallic mineral mining in the State under the mining act on or before August 1, 2018.

LD 604 An Act To Protect Maine's Lakes by Prohibiting the Discharge of Waste from Watercraft ONTP

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

This bill enhances the penalty for an intentional or knowing violation of the law prohibiting the discharge of waste from watercraft into the inland waters of the State from a Class E crime to a Class C crime. The bill directs the Department of Inland Fisheries and Wildlife, in consultation with the Department of Environmental Protection, by July 1, 2018, to ensure that signs describing this prohibition against the discharge of waste from watercraft, including the increased penalties for an intentional or knowing violation of the prohibition, are installed at all state boat launch facilities.

LD 628 An Act To Amend the Municipal Subdivision Laws Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K	ONTP OTP	