

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

128TH LEGISLATURE
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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

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> CEBRA R	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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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> FREDETTE K	<u>Committee Report</u> ONTP OTP	<u>Amendments Adopted</u>
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Joint Standing Committee on Environment and Natural Resources

This bill amends the law that defines a "subdivision." Current law provides that a subdivision is not created by the transfer of any interest in land to the owners of land abutting that land, unless the intent of the transferor is to avoid the objectives of the law governing subdivisions. The provision, however, qualifies this exclusion and provides that a subdivision is created if the land that was transferred is again transferred within five years to another person without all of the merged land; this bill removes this additional qualification.

**LD 683 An Act To Fund the Maine Solid Waste Diversion Grant Program and ONTP
To Phase Out Certain Containers from the Bottle Redemption Laws**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W CUSHING A	ONTP	

This bill phases out beverage containers 46 ounces and greater in capacity from the bottle redemption laws beginning December 1, 2017. It ends the liability of redemption centers and dealers to consumers for deposits January 1, 2018 and the liability of manufacturers and distributors February 1, 2019. The bill requires manufacturers of certain refillable containers and distributors of certain nonrefillable containers to pay a fee, beginning December 1, 2017, and ending December 1, 2022, at the rate of \$0.005 per beverage container delivered for sale or distribution during any month. All of the revenue from the fee is deposited into the Maine Solid Waste Management Fund for use by the Maine Solid Waste Diversion Grant Program.

LD 684 An Act To Increase Vegetative Buffers in the Shoreland Zone ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L GRATWICK G	ONTP	

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

This bill proposes to amend the laws governing shoreland zoning to increase the vegetative buffer requirement from 75 feet to 150 feet for certain areas in the shoreland zone. The bill also proposes to remove provisions in law that grandfather certain parcels of land and that allow smaller vegetative buffers on those parcels.

**LD 685 An Act To Establish the Mining Advisory Panel Accepted Majority
(ONTP) Report**

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

This bill establishes the Mining Advisory Panel, the purpose of which is to design and submit to the Legislature recommendations regarding the establishment of a statutory and regulatory framework for metallic mineral mining in the State. The panel consists of between three and seven members, some of whom must have expertise in the mining of volcanogenic massive sulfide deposits. On or before December 31, 2019, the panel must submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters containing its findings and recommendations, including draft legislation, regarding the establishment of a statutory and regulatory framework for metallic mineral mining. The Mining Advisory Panel is eliminated January 1, 2020.