

# 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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# STATE OF MAINE

128<sup>TH</sup> 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 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*

- 4. It removes the requirement that variances from subdivision criteria be recorded in the registry of deeds within two years after final approval of a subdivision plan, but retains the requirement that the variance be recorded to be valid.
- 5. It repeals provisions under which leased dwelling units are not subject to subdivision review.

**LD 820**

**An Act To Protect Maine's Clean Water and Taxpayers from Mining Pollution**

**PUBLIC 142**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B FOLEY R	OTP-AM ONTP	S-73

This bill amends the State's mining laws as follows.

- 1. It prohibits the issuance of a mining lease under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 if the proposed mining operation is to be wholly or partially located in, on or under any designated land, state historic site, state park, public reserved land, submerged land or state-owned wildlife management area or the Allagash Wilderness Waterway. The bill also prohibits the issuance of a mining permit under the Maine Metallic Mineral Mining Act, referred to in this summary as the "Mining Act," if any part of the mining operation will be located wholly or partially in, on or under any of the same state lands.
- 2. It amends the definition of "mining area" under the Mining Act to restrict that definition to an area of land from which earth material is removed in connection with the mining of ore.
- 3. It amends the rule-making authority of the Department of Environmental Protection under the Mining Act to require that any rule or rule change proposed by the department in accordance with its authority under the Mining Act may not be finally adopted by the department unless legislation authorizing final adoption of such rules is enacted into law.
- 4. It prohibits the placement of any mining operation under the Mining Act in, on or under a river, stream or brook, a great pond, a freshwater wetland or a coastal wetland.
- 5. It amends permit approval conditions under the Mining Act relating to discharges causing groundwater contamination by allowing only for limited contamination of groundwater within a mining area that does not result in contamination of groundwater beyond the mining area; contamination of groundwater within the mining area that exceeds certain water quality criteria for pollutants; contamination of groundwater within the mining area that exceeds a specified level determined by the department based on site-specific geologic and hydrologic characteristics and in accordance with standards established by rule that are designed to minimize pollution from mining operations; or any violation of surface water quality standards.
- 6. It prohibits the placement of any mining operation under the Mining Act in, on or under a flood plain or a flood hazard area.
- 7. It requires an applicant for a permit or a permittee under the Mining Act to provide special financial assurance coverage for a worst-case catastrophic mining event or failure.
- 8. It requires the department, on or before January 12, 2018, to provisionally adopt and submit to the Legislature for review major substantive rules relating to the Mining Act.

**Committee Amendment "A" (S-73)**

## *Joint Standing Committee on Environment and Natural Resources*

This amendment, which is the majority report of the committee, replaces the bill and amends the State's mining laws as follows.

1. It prohibits the issuance of a mining lease under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 if the proposed mining operation is to be wholly or partially located in, on or under any designated land, state historic site, state park, public reserved land, submerged land or state-owned wildlife management area or the Allagash Wilderness Waterway. The amendment also prohibits the issuance of a mining permit under the Mining Act if any part of the mining operation will be located wholly or partially in, on or under any of the same state lands.
2. It adds to the Mining Act definitions for the terms "dry stack tailings management," "mine shaft," "mine waste," "mine waste unit," "open-pit mining" and "wet mine waste unit," and it amends the existing definition for the term "tailings impoundment."
3. It amends the rule-making authority of the Department of Environmental Protection under the Mining Act to require that any rule or rule change proposed by the department in accordance with its authority under the Mining Act may not be finally adopted by the department unless legislation authorizing final adoption of such rules is enacted into law.
4. It amends permit approval conditions under the Mining Act relating to discharges causing groundwater contamination by allowing only for limited contamination of groundwater within a mining area that does not result in contamination of groundwater beyond the mining area; contamination of groundwater within the mining area that exceeds certain water quality criteria for pollutants; contamination of groundwater within the mining area due to pH or metals that exceeds limits set forth in the mining permit based on site-specific geologic and hydrologic characteristics; any violation of surface water quality standards; or, if groundwater or surface water quality within the mining area prior to the commencement of mining activity exceeds applicable water quality standards, further degradation of such groundwater or surface water quality. The amendment also provides a narrow definition of the term "mining area" applicable only to this provision on discharges causing groundwater contamination.
5. It prohibits the placement of mining operations under the Mining Act involving the removal of metallic minerals, the storage of metallic minerals or mine waste, the processing of metallic minerals or the treatment of mine waste in or on a flood plain or a flood hazard area.
6. It prohibits the removal of metallic minerals in, on or from a river, stream or brook, a great pond, a freshwater wetland or a coastal wetland.
7. It prohibits the placement of a mine shaft in, on or under a significant or outstanding river segment, an outstanding river, a high or moderate value waterfowl and wading bird habitat, a great pond or a coastal wetland.
8. It requires the use of dry stack tailings management and prohibits the use of wet mine waste units or tailings impoundments for the management of mine waste and tailings.
9. It prohibits open-pit mining.
10. It clarifies the financial assurance provisions in the Mining Act and requires an applicant for a permit or a permittee under the Mining Act to provide special financial assurance coverage for a worst-case catastrophic mining event or failure.
11. It authorizes, subject to the incorporation of specified amendments, final adoption of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A on January 13, 2017.

## *Joint Standing Committee on Environment and Natural Resources*

12. It clarifies the rule-making authority of the Maine Land Use Planning Commission under the Mining Act and directs the commission, by July 1, 2018, to adopt rules related to commission certification of metallic mineral mining permit applications under the Mining Act. Those rules are routine technical rules.

### **Enacted Law Summary**

Public Law 2017, chapter 142 amends the State's mining laws as follows.

1. It prohibits the issuance of a mining lease under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 if the proposed mining operation is to be wholly or partially located in, on or under any designated land, state historic site, state park, public reserved land, submerged land or state-owned wildlife management area or the Allagash Wilderness Waterway. The law also prohibits the issuance of a mining permit under the Mining Act if any part of the mining operation will be located wholly or partially in, on or under any of the same state lands.

2. It adds to the Mining Act definitions for the terms "dry stack tailings management," "mine shaft," "mine waste," "mine waste unit," "open-pit mining" and "wet mine waste unit," and it amends the existing definition for the term "tailings impoundment."

3. It amends the rule-making authority of the Department of Environmental Protection under the Mining Act to require that any rule or rule change proposed by the department in accordance with its authority under the Mining Act may not be finally adopted by the department unless legislation authorizing final adoption of such rules is enacted into law.

4. It amends permit approval conditions under the Mining Act relating to discharges causing groundwater contamination by allowing only for limited contamination of groundwater within a mining area that does not result in contamination of groundwater beyond the mining area; contamination of groundwater within the mining area that exceeds certain water quality criteria for pollutants; contamination of groundwater within the mining area due to pH or metals that exceeds limits set forth in the mining permit based on site-specific geologic and hydrologic characteristics; any violation of surface water quality standards; or, if groundwater or surface water quality within the mining area prior to the commencement of mining activity exceeds applicable water quality standards, further degradation of such groundwater or surface water quality. The law also provides a narrow definition of the term "mining area" applicable only to this provision on discharges causing groundwater contamination.

5. It prohibits the placement of mining operations under the Mining Act involving the removal of metallic minerals, the storage of metallic minerals or mine waste, the processing of metallic minerals or the treatment of mine waste in or on a flood plain or a flood hazard area.

6. It prohibits the removal of metallic minerals in, on or from a river, stream or brook, a great pond, a freshwater wetland or a coastal wetland.

7. It prohibits the placement of a mine shaft in, on or under a significant or outstanding river segment, an outstanding river, a high or moderate value waterfowl and wading bird habitat, a great pond or a coastal wetland.

8. It requires the use of dry stack tailings management and prohibits the use of wet mine waste units or tailings impoundments for the management of mine waste and tailings.

9. It prohibits open-pit mining.

10. It clarifies the financial assurance provisions in the Mining Act and requires an applicant for a permit or a permittee under the Mining Act to provide special financial assurance coverage for a worst-case catastrophic mining event or failure.

*Joint Standing Committee on Environment and Natural Resources*

11. It authorizes, subject to the incorporation of specified amendments, final adoption of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A on January 13, 2017.

12. It clarifies the rule-making authority of the Maine Land Use Planning Commission under the Mining Act and directs the commission, by July 1, 2018, to adopt rules related to commission certification of metallic mineral mining permit applications under the Mining Act. Those rules are routine technical rules.

**LD 867      An Act To Mitigate the Spread of Invasive Milfoil in Wilson Stream      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ACKLEY K BELLOWS S	ONTP	

This bill provides \$15,000 to the Town of Monmouth for the construction of a gate with an electronic locking mechanism to restrict motor vehicle access at the public access point to Wilson Stream. The bill also requires the town to record an educational voice message that explains the dangers of invasive milfoil and how to obtain the code to unlock the gate. This message must be made available by telephone.

**LD 881      An Act To Increase Wastewater Management Responsibility by Licensing Certain Municipal Sewage Collection Systems      ONTP**

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

This bill requires municipal satellite collection systems to be licensed by the Department of Environmental Protection as subpermittees under the licenses of publicly owned treatment works. It requires the department to issue a license to a municipal satellite collection system if the municipal satellite collection system meets operation and maintenance standards established in rules adopted by the department.

**LD 894      An Act To Increase Funding for the Youth Conservation Corps      ONTP**

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

This bill increases funding beginning in fiscal year 2018-19 for the program established by the 127th Legislature to reduce shoreline erosion and protect lake water quality to be implemented and administered by a private organization contracted with by the Department of Environmental Protection. The bill directs the department for the years 2018 and 2019 to distribute appropriated funds for the program through a competitive bid process and requires the contracted private organization to use labor from a youth conservation corps in the summers of 2018 and 2019 to implement erosion control measures. It provides that the contracted organization is allowed to disburse to a youth conservation corps no more than \$1 of state funding for every \$2 in matching funds contributed by that youth conservation corps.