

# 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*

**LD 901      An Act To Amend the Laws Governing the Determination of a Wind Energy Development's Effect on the Scenic Character of Maine's Special Places**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR T SAVIELLO T	OTP-AM OTP-AM	H-213

This bill repeals and replaces the current law regarding when a visual impact assessment is required for an expedited wind energy development. The bill provides that a visual impact assessment is required if portions of a wind energy development's generating facilities are located within eight miles from a scenic resource of state or national significance, except that for certain specified scenic resources of state or national significance, a visual assessment is required if a development's generating facilities are located within 15 miles from the scenic resource of state or national significance. The bill also amends the definition of "viewshed of a scenic resource of state or national significance" for those same specified scenic resources.

**Committee Amendment "A" (H-213)**

This amendment, which is the majority report of the committee, replaces the bill and amends current law regarding when a visual impact assessment is required for an expedited wind energy development by requiring a visual impact assessment if portions of a wind energy development's generating facilities are located within eight miles of a scenic resource of state or national significance. It also requires all rules adopted under the laws regarding expedited permitting of grid-scale wind energy development on or after the effective date of the Act to be major substantive rules.

**Committee Amendment "B" (H-214)**

This amendment, which is the minority report of the committee, replaces the bill and amends current law regarding when a visual impact assessment is required for an expedited wind energy development by requiring a visual impact assessment if portions of a wind energy development's generating facilities are located within 12 miles of a scenic resource of state or national significance. It also requires all rules adopted under the laws regarding expedited permitting of grid-scale wind energy development on or after the effective date of the Act to be major substantive rules.

This amendment was not adopted.

**LD 930      An Act To Protect Maine Families by Enhancing Well Water Regulation**

**ONTP**

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

This bill requires all private wells used to provide water for human consumption to be tested for basic pollutants in accordance with rules adopted by the Department of Environmental Protection. The wells are required to be tested at least once every five years, and all new wells created after July 1, 2018 are required to be tested. All fees are waived for testing a well within an area in which there is a known environmental hazard or dispersal of pollutants that may contaminate the well.

The Department of Environmental Protection is required to determine the costs of implementing this legislation and, in consultation with the Public Utilities Commission and the Efficiency Maine Trust, identify appropriate funding sources to pay those costs. The department is required to submit its findings and recommendations to the Joint

*Joint Standing Committee on Environment and Natural Resources*

Standing Committee on Appropriations and Financial Affairs by January 15, 2018.

**LD 931      An Act To Create Extended Producer Responsibility for Post-consumer Waste Generated from the Use of Tobacco Products      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L CHIPMAN B	ONTP	

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

This bill proposes to establish a system under which producers of tobacco products develop, finance and implement stewardship programs to collect, transport, process and safely dispose of post-consumer tobacco waste to reduce, prevent and mitigate the environmental effects of the disposal of that waste in the State. Such a system would be designed to:

1. Prohibit tobacco producers or retailers from selling or offering for sale tobacco products in the State unless they are participating in an approved tobacco waste stewardship program;
2. Require a tobacco producer to provide retailers that sell tobacco products information about the producer's tobacco waste stewardship program and information regarding available collection opportunities for post-consumer tobacco product waste. Under the bill, a retailer that sells tobacco products would be required to provide that information to its consumers at the time of sale;
3. Require each tobacco producer to submit a plan for its tobacco waste stewardship program to the State for approval. The plan must:
  - A. Specify educational and outreach activities and materials that promote and increase awareness of the tobacco waste stewardship program, including but not limited to a website and written materials. The outreach materials must identify options for establishing an effective collection system, promote a reduction in the generation of post-consumer tobacco product waste, identify each tobacco producer participating in the program, identify participating brands of tobacco products sold and identify the processors that manage the post-consumer tobacco product waste that is collected;
  - B. Establish and provide for the implementation of goals to reduce the generation of post-consumer tobacco product waste;
  - C. Outline the responsibility for negotiating and executing contracts to collect, transport and process post-consumer tobacco product waste for end-of-product management;
  - D. Describe how the end-of-product management of post-consumer tobacco product waste that is collected under the tobacco waste stewardship program will use environmentally sound management practices that are consistent with state laws and other relevant environmental rules and practices for ultimate disposal;
  - E. Establish a timeline for carrying out an annual assessment of the effectiveness of actions taken under the tobacco waste stewardship program;
  - F. Include an anticipated annual operating budget for the tobacco waste stewardship program; and
  - G. Identify an effective, convenient system for the collection of post-consumer tobacco product waste that ensures sufficient permanent collection sites and provides for collection events in geographically underserved areas;