

# 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

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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. Establish a process for tobacco producers to amend their tobacco waste stewardship programs;
5. Require tobacco producers to submit annual reports, which must include the volume of post-consumer tobacco product waste collected, an independent financial audit, an evaluation of the tobacco waste stewardship program's funding mechanism, an updated budget, samples of educational and outreach materials, documentation of compliance with collection requirements, a description of activities undertaken to achieve the program's goals as provided for in the program plan and identification of proposed changes to the program;
6. Allow the state agency charged with overseeing tobacco waste stewardship programs to develop a pilot project for a tobacco waste stewardship program;
7. Require the state agency charged with overseeing tobacco waste stewardship programs to establish a schedule of fees;
8. Make financial cost, production or sales data and records confidential and establish a process for disclosure of aggregate information;
9. Require the state agency charged with overseeing tobacco waste stewardship programs to publish by municipality, city or county the total weight of post-consumer tobacco product waste collected; and
10. Establish civil penalties for violations.

**LD 1003      Resolve, To Require the State's Mitigation Plan under the Volkswagen Mitigation Trust Agreement To Include the Use of Maine-generated Nonfossil Fuel Sources      ONTP**

<u>Sponsor(s)</u> RYKERSON D	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This resolve requires that the beneficiary mitigation plan developed by the State to mitigate the lifetime nitrogen oxide emissions from noncompliant Volkswagen and Audi diesel vehicles must, to the extent possible, include the use of Maine-generated nonfossil fuel sources.

**LD 1040      An Act Regarding Permitting under the Natural Resources Protection Act      ONTP**

<u>Sponsor(s)</u> PICCHIOTTI J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This bill amends the Natural Resources Protection Act as follows.

1. It excludes artificial turf from the definition of "impervious area."
2. It amends the definition of "river, stream or brook" to provide that a channel must have all five of the characteristics listed in the definition. Current law requires that a channel must have at least two of the characteristics listed.
3. It amends the definition of "significant groundwater well" to provide that public water systems are not significant groundwater wells.

*Joint Standing Committee on Environment and Natural Resources*

- 4. It increases from 20,000 to 80,000 square feet the area of aquatic vegetation, emergent marsh vegetation or open water that a freshwater wetland must contain before a person is required to get a permit from the Department of Environmental Protection for activities adjacent to the freshwater wetland.
- 5. It provides that a person is not required to obtain a Natural Resources Protection Act permit from the Department of Environmental Protection for the establishment or operation of a significant groundwater well for a community public water system.
- 6. For determining if an activity unreasonably harms habitats or fisheries, it amends the definition of "mitigation" to provide that the Department of Environmental Protection may not consider whether an adverse impact of an activity can be avoided.
- 7. It amends the notification and comment requirements when a resource is used by a community public water system as a source of water supply.
- 8. It provides that the Department of Environmental Protection may only delegate review authority to the Department of Health and Human Services, Drinking Water Program or to a community public water system when an activity is located within a community public water system primary protection area and the activity does not otherwise require a Department of Environmental Protection permit under the Natural Resources Protection Act. It also removes the requirement to obtain a permit from the Department of Environmental Protection in such cases.
- 9. It includes existing water or sewer lines, culverts and natural gas pipelines in the permit exemption for existing crossings.
- 10. It provides that a replacement of existing public works does not require a Natural Resources Protection Act permit and it provides that the public works exemption applies to outstanding river segments.
- 11. It amends the exemption for activities that alter less than 4,300 square feet of freshwater wetlands.
- 12. It removes state-certified geologists from the list of professionals that may determine whether the integrity of a seawall or similar structure in a coastal sand dune system is destroyed or threatened for purposes of repairing the seawall or structure.
- 13. It amends the activities that are not eligible for Tier 1 or Tier 2 review when altering freshwater wetlands.

**LD 1081 An Act To Amend the Municipal Subdivision Laws Regarding the Exemption for Transfers to Owners of Abutting Land**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DENNO D	ONTP	

Current law provides an exemption to the laws governing subdivisions for a division of a tract or parcel of land accomplished by the transfer of any interest in the land to the owners of land abutting that land and removes that exemption if the exempt real estate is transferred within five years to another person without all of the merged land. This bill eliminates the language that provides for the removal of the exemption.