

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

August 2019

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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 129th 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 129th Legislature is Thursday, September 19, 2019. 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

- 2. It eliminates a provision of law reducing .by 5¢ the reimbursement to a dealer or local redemption center for the cost of handling beverage containers subject to a qualified commingling agreement.
- 3. It places a moratorium from May 1, 2019 to January 15, 2020 on the issuance by the Department of Environmental Protection of redemption center licenses to redemption centers not licensed prior to May 1, 2019 unless the department determines that a new redemption center is needed to serve an area in which an existing redemption center ceases to operate. This licensing prohibition does not apply to renewal of redemption center licenses issued prior to May 1, 2019.
- 4. It directs the Commissioner of Environmental Protection to require each initiator of deposit that has entered into a commingling agreement, and its contracted agent, if any, to no later than July 1, 2019 report to the department the number of beverage containers picked up from each redemption center on each pick-up date in calendar year 2018. Upon receipt of this data, the department shall assess the efficiency and convenience of the beverage container redemption system and develop recommendations to improve efficiencies in the handling and transportation of beverage containers and to ensure convenient collection of beverage containers for consumers.

On or before January 15, 2020, the commissioner shall submit a report to the Joint Standing Committee on Environment and Natural Resources detailing the department's findings and recommendations, including any proposed legislation. The committee is authorized to report out legislation to implement recommendations contained in the report.

Public Law 2019, chapter 133 was enacted as an emergency measure effective May 21, 2019.

LD 274 An Act To Allow the Sale of Ethanol-free Gasoline Statewide

PUBLIC 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D EVANGELOS J	OTP	

Since June 1, 2015, retailers who sell gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County have been required to sell only reformulated gasoline in those counties. This bill repeals that sales requirement effective November 1, 2020.

Enacted Law Summary

Public Law 2019, chapter 55 repeals the requirement which has been in place since June 1, 2015, that retailers who sell gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County sell only reformulated gasoline in those counties. The repeal of that requirement is effective Nov. 1, 2020.

**LD 281 Resolve, Regarding Legislative Review of Portions of Chapter 692:
Siting of Oil Storage Facilities, a Major Substantive Rule of the
Department of Environmental Protection**

**RESOLVE 27
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-121

This resolve provides for legislative review of portions of Chapter 692: Siting of Oil Storage Facilities, a major substantive rule of the Department of Environmental Protection.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (H-121)

This amendment authorizes final adoption by the Department of Environmental Protection of portions of Chapter 692: Siting of Oil Storage Facilities, a provisionally adopted major substantive rule of the department, only if a number of specified changes to the rule are made prior to final adoption.

Enacted Law Summary

Resolve 2019, chapter 27 authorizes final adoption by the Department of Environmental Protection of portions of Chapter 692: Siting of Oil Storage Facilities, a provisionally adopted major substantive rule of the department, only if a number of specified changes to the rule are made prior to final adoption.

Resolve 2019, chapter 27 was finally passed as an emergency measure effective May 16, 2019.

LD 289 An Act To Prohibit the Use of Certain Disposable Food Service Containers

PUBLIC 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ZEIGLER S	OTP-AM OTP-AM	H-49 H-55 TUCKER R

Beginning January 1, 2020, this bill prohibits the sale or distribution in the State of disposable food service containers composed in whole or in part of polystyrene foam. The bill requires the Department of Environmental Protection to adopt rules to implement these statutory provisions.

Committee Amendment "A" (H-49)

This amendment, which is the majority report of the committee, replaces the bill, repeals the existing law regarding nondegradable food and beverage containers and enacts a new provision of law regarding disposable food service containers. Under the amendment, beginning January 1, 2021, a food establishment is prohibited, subject to certain exemptions, from processing, preparing, selling or providing food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam. The amendment also:

1. Excludes from the definition of "disposable food service container" polystyrene foam coolers and ice chests that are used for the processing or shipping of seafood;
2. Adds sleeves and stirrers to the definition of "service ware";
3. Excludes from the definition of "food establishment" hospitals licensed under the Maine Revised Statutes, Title 22, chapter 405 and so-called meals on wheels establishments funded in whole or in part directly or indirectly by the Department of Health and Human Services; and
4. Incorporates from the existing law, which was repealed in the amendment, regarding nondegradable food and beverage containers certain definitions, a penalty provision and a prohibition on the use of plastic beverage stirrers by food establishments providing or serving beverages at a facility or function of the State or of a political subdivision.

Committee Amendment "B" (H-50)

This amendment, which is the minority report of the committee, changes the title and replaces the bill with a resolve that establishes the Plastics Recycling Task Force to be convened by the Commissioner of Environmental Protection. No later than January 15, 2020, the task force must submit to the Joint Standing Committee on