

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

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

Joint Standing Committee on Environment and Natural Resources

Environment and Natural Resources a report containing its findings and recommendations, including a comprehensive plastics recycling management plan and recommendations for legislative, regulatory or local government actions necessary to increase the rate of plastics recycling in the State. After reviewing the report, the committee may report out legislation to implement the recommendations described in the report.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-55)

This amendment amends Committee Amendment "A" to replace the term "food establishment" with the term "covered establishment."

Enacted Law Summary

Public Law 2019, chapter 62 repeals the existing law regarding nondegradable food and beverage containers and enacts a new provision of law regarding disposable food service containers. Under that new provision of law, beginning January 1, 2021, a covered 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 new provision of law 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 "covered 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 regarding nondegradable food and beverage containers, which was repealed in the enacted law, 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.

**LD 319 An Act To Standardize the Laws Concerning Property Transfers and To ONTP
Protect Water Quality**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL D BREEN C	ONTP	

This bill extends to inland shoreland areas the requirement that subsurface waste water disposal systems on property located within a shoreland area be inspected prior to a sale of the property. Currently, that inspection requirement applies only to the sale of property located within a coastal shoreland area.

LD 327 An Act To Revise Maine's Environmental Laws CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R		