

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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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 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

not classified as Maine-generated waste;

4. Ensure that waste materials that end up in a landfill, such as construction and demolition debris, which are used for daily cover in a landfill, are not counted toward the State's recycling goals;

5. Ensure adequate legal standing and strengthen protections for the health and well-being of people living in close proximity to waste disposal facilities;

6. Strengthen conflict-of-interest protections in awarding and management and oversight of state waste contracts to prevent price fixing and market manipulation; and

7. Direct the Department of Environmental Protection to amend rule Chapter 400, Maine Solid Waste Management Rules to:

A. Amend the definition of "bypass" to limit the waste that is considered bypass to solid waste that cannot be disposed of, processed or beneficially used at that facility because of malfunction, insufficient capacity, downtime or inability of the facility to process or burn;

B. Amend the definition of "recycle" and "recycling" to add a provision that any material left at a landfill is not considered recycled; and

C. Define "Maine-generated waste" as solid waste that is discarded for the first time within the physical confines of the State.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 413 An Act To Ensure the Rights of Citizens to Groundwater in the State ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| RISEMAN W | ONTP | |

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to change the laws governing groundwater to recognize that the citizens of the State collectively own the State's groundwater. The bill establishes the State as the trustee and steward of the State's groundwater on behalf of the citizens of the State and requires the State to endeavor to ensure that the groundwater will always be available to the benefit of all the citizens of the State. It also directs the State to take all reasonable measures to ensure an adequate supply of usable groundwater for the citizens of the State and to monitor the level of sustainability of the groundwater and protect against uses of groundwater that are detrimental to aquifers, bodies of surface water or wetlands or to public health and welfare.

LD 426 An Act To Increase the Beverage Container Redemption Reimbursement To Offset Minimum Wage Increases ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| WHITE D FOLEY R | ONTP | |

Joint Standing Committee on Environment and Natural Resources

This bill increases by .5¢ per returned container the handling costs to be reimbursed to the dealer or local redemption center for the cost of handling beverage containers beginning March 1, 2020.

LD 450 An Act To Increase Funding for the St. Croix International Waterway Commission CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| MOORE M PERRY A | OTP-AM | S-19 |

This bill provides an additional \$25,000 per fiscal year to the St. Croix International Waterway Commission, provided the Province of New Brunswick, Canada commits to match the funding.

Committee Amendment "A" (S-19)

This amendment incorporates a fiscal note.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 505 An Act To Require the Use of Reusable Food Ware at Eating Establishments ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------------|-------------------------|---------------------------|
| RYKERSON D MIRAMANT D | ONTP | |

This bill provides that a prepared food vendor may sell or provide prepared food to a customer for consumption on the vendor's premises only if the prepared food is served to the customer using reusable food ware. The bill also requires that a prepared food vendor may sell or provide prepared food to a customer for consumption off the vendor's premises using single-use disposable food ware only if the prepared food is served to the customer using single-use disposable food ware approved by the Department of Environmental Protection as recyclable or compostable.

The bill also requires that a prepared food vendor selling take-out food to a customer for consumption off the vendor's premises must require payment by the customer of a fee, retained by the prepared food vendor, of 25¢ for certain items of single-use disposable food ware in which the customer's take-out food is served or for each take-out meal served to the customer, whichever is less. The provisions of this bill also apply to a prepared food vendor or other food server providing or serving prepared food to customers at a state facility or state function.

LD 524 Resolve, Regarding the Promotion of Composting ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| HICKMAN C FOLEY R | ONTP | |

This resolve requires the Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry to study the feasibility of establishing incentives or mandates to promote composting in the State. The departments are required to submit a joint report of their findings and recommendations, together with any