

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<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**

August 2019

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# STATE OF MAINE

129<sup>TH</sup> LEGISLATURE  
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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 129<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 129<sup>th</sup> 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*

necessary implementing legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Environment and Natural Resources, which may submit legislation relating to the report to the Second Regular Session of the 129th Legislature.

**LD 543      *Resolve, To Facilitate the Protection of Public Health through Increased Subsurface Wastewater Inspections*      RESOLVE 13**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L	OTP-AM ONTP	H-37

Current law requires the inspection of a subsurface wastewater disposal system on a property located within the shoreland area of the State that is to be transferred. This bill expands these requirements to apply to the transfer of any property in the State on which a subsurface wastewater disposal system is located. The bill also amends other provisions of the Maine Revised Statutes as necessary to incorporate these changes.

**Committee Amendment "A" (H-37)**

This amendment, which is the majority report of the committee, changes the title of the bill and changes the bill into a resolve directing the Department of Health and Human Services, in consultation with the Department of Environmental Protection, to submit to the Joint Standing Committee on Environment and Natural Resources on or before January 15, 2020 a report containing a variety of information regarding septic system inspections and the certification of septic system inspectors. After reviewing the report, the committee may report out a bill related to the information contained in the report to the Second Regular Session of the 129th Legislature.

**Enacted Law Summary**

Resolve 2019, chapter 13 directs the Department of Health and Human Services, in consultation with the Department of Environmental Protection, to submit to the Joint Standing Committee on Environment and Natural Resources on or before January 15, 2020 a report containing a variety of information regarding septic system inspections and the certification of septic system inspectors. After reviewing the report, the committee may report out a bill related to the information contained in the report to the Second Regular Session of the 129th Legislature.

**LD 544      *An Act To Create Extended Producer Responsibility for Post-consumer Waste Generated from the Use of Tobacco Products*      CARRIED OVER**

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

This bill, which is a concept draft pursuant to Joint Rule 208, 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. The bill proposes 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;

## *Joint Standing Committee on Environment and Natural Resources*

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;
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, and 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.

**Joint Standing Committee on Environment and Natural Resources**

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

**LD 550 An Act To Amend the Definition of "Subdivision" in the Laws Governing Planning and Land Use Regulation for Subdivisions and a Provision Excepting the Division of a New or Existing Structure from Those Laws Beginning July 1, 2018**

**PUBLIC 174**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N CAMPBELL D	OTP-AM	S-97

This bill changes the date by which definitions of "subdivision" that are in municipal ordinances and that conflict with state law must comply with the definition of "subdivision" in state law. It also extends the time municipalities have to register an ordinance with a conflicting definition with the registry of deeds. The bill also removes cross-references to the site location of development laws in an exemption to municipal subdivision review and adds a cross-reference to the law governing municipal site plan review ordinances.

**Committee Amendment "A" (S-97)**

This amendment includes a definition for the term "municipal site plan review" as used in an exemption to municipal subdivision review requirements. It also makes the changes to the subdivision law that are included in the bill retroactive to June 30, 2018.

**Enacted Law Summary**

Public Law 2019, chapter 174 amends the State's subdivision laws as follows.

1. It changes the date by which definitions of "subdivision" that are in municipal ordinances and that conflict with state law must comply with the definition of "subdivision" in state law.
2. It extends the time municipalities have to register an ordinance with a conflicting definition of "subdivision" with the registry of deeds.
3. It removes cross-references to the site location of development laws in an exemption to municipal subdivision review, instead requiring that projects eligible for that exemption be subject to "municipal site plan review," a term which is also defined in the enacted law.
4. It specifies that the changes to the subdivision laws that are included in the enacted law are retroactive to June 30, 2018.

**LD 559 An Act To Restore Regular Mapping of Eelgrass Beds in the State**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J CARSON B	OTP-AM	H-48

This bill directs the Department of Environmental Protection, in consultation with the Department of Marine Resources, to establish and administer a program to regularly produce and update maps regarding the distribution of eelgrass beds in the State. Data collected and maps produced under this program must be made available on the Department of Environmental Protection's publicly accessible website. The Department of Environmental