

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

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# STATE OF MAINE

129<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



## 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.

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waste characterized as recycled by a solid waste processing facility that generates residue requiring disposal must have been reused or recycled through methods other than landfilling but includes specific alternative provisions applicable to certain solid waste processing facilities that process exclusively construction and demolition debris.

**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 was carried over from the First Regular Session of the 129th Legislature.

This bill provides an additional \$25,000 per fiscal year to the St. Croix International Waterway Commission but only if 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 carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over on the Special Appropriations Table.

**LD 544      An Act Regarding Tobacco Product Waste      PUBLIC 620**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUMEL	OTP-AM	H-756

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. This bill 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;
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

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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, 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.

### **Committee Amendment "A" (H-756)**

This amendment changes the title of and replaces the bill, which is a concept draft. It amends the State's litter laws,

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to clarify that waste materials resulting from or associated with the use of tobacco products, including, but not limited to, cigarette butts, constitute litter under the law.

**Enacted Law Summary**

Public Law 2019, chapter 620 amends the State's litter laws to clarify that waste materials resulting from or associated with the use of tobacco products, including, but not limited to, cigarette butts, constitute litter under the law.

**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 was carried over from the First Regular Session of the 129th Legislature.

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 Protection is directed to submit to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters on or before January 1, 2021, and biennially thereafter, a report on the data collected and maps produced under this program.

**Committee Amendment "A" (H-48)**

This amendment creates the Eelgrass Mapping Fund to support the establishment and administration of the eelgrass mapping program required under the bill and authorizes the fund to accept grants, bequests, gifts or contributions from any source, public or private. The amendment also revises the mapping schedule for the mapping of eelgrass beds as proposed in the bill and adds an appropriations and allocations section.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over on the Special Appropriations Table.

**LD 774      Resolve, To Protect Maine's Beaches and Shoreline      HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L FOLEY R	OTP-AM	H-711

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill amends the State's coastal management policies laws to ensure that those policies address the effects of coastal erosion on the State's beaches and shoreline and ensure the health of the State's beaches and shoreline for habitat protection for coastal wildlife species and for protection against storms.

The bill also creates an advisory group on beach management, to be convened by the Commissioner of Environmental Protection for the purpose of developing and recommending objectives, strategies, legislation and