

# 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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**STAFF:**

DANIEL TARTAKOFF, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/opla/>

\*Committee member for a portion of the session

# 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 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*

This bill prohibits a distributor, blender or retail dealer from selling, consigning or distributing motor fuel containing more than 10% ethanol by volume unless the motor fuel is sold, consigned or distributed in a sealed container that contains one quart or less of the motor fuel. It also repeals a contingent prohibition on the sale of motor fuel containing more than 10% ethanol by volume.

**LD 893      An Act To Create an Updated Unified Maine Climate Action Plan      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J DUNPHY M	ONTP	

This bill requires the Department of Environmental Protection, working with the Maine Interagency Climate Adaptation Work Group, or MICA Work Group, and the University of Maine, to update the Maine Climate Action Plan developed in 2004 by the department. It requires the updated plan to address both mitigation and adaptation strategies. It requires the department and the MICA Work Group to convene a group of stakeholders to evaluate the mitigation and adaptation strategies in order to update the plan and it provides for internships for University of Maine students to work on the development and implementation of the updated plan. It authorizes the department to hire consultants. It requires the University of Maine System to develop and implement procedures for providing climate data to residents of the State. It also includes an appropriations and allocations section.

**LD 906      An Act Concerning Pavement Sealing Products      PUBLIC 493**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	OTP-AM ONTP	H-166 H-225 DAUGHTRY M

This bill prohibits the sale of coal tar sealant products beginning October 1, 2020 and prohibits the application of coal tar sealant products on driveways or parking areas beginning October 1, 2021. The Commissioner of Environmental Protection may grant an exemption from the prohibitions for research or development purposes.

**Committee Amendment "A" (H-166)**

This amendment, which is the majority report of the committee, amends the bill as follows.

1. It amends the definition of "polycyclic aromatic hydrocarbons" to include a reference to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.
2. It clarifies the scope of the bill's sales and application prohibitions or coal tar sealant products.
3. It removes an unnecessary cross-reference.

**House Amendment "A" (H-225)**

This amendment amends Committee Amendment "A" to delay for three years the prohibitions regarding coal tar sealant products.

**Enacted Law Summary**

Public Law 2019, chapter 493 prohibits the sale of coal tar sealant products beginning October 1, 2023 and prohibits the application of coal tar sealant products on driveways or parking areas beginning October 1, 2024. The

*Joint Standing Committee on Environment and Natural Resources*

Commissioner of Environmental Protection may grant an exemption from the prohibitions for research or development purposes.

**LD 937      An Act Regarding the Sale and Release or Abandonment of Balloons      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M	OTP-AM ONTP	

This bill amends the State's litter law to provide that a person who releases or abandons a balloon outdoors is subject to penalties under that law regarding the waste materials resulting from that release or abandonment. It also requires a seller of balloons to register with the Department of Environmental Protection and to display in a conspicuous place at each purchase counter warning information developed by the department concerning the risks to the environment and to wildlife posed by waste materials resulting from the outdoor release of balloons; the choking and suffocation risks to children posed by the unsupervised use of balloons; the risks to individuals with latex allergies posed by exposure to balloons made wholly or partly from latex; and the penalties for littering resulting from the outdoor release of balloons that may be imposed by the State's litter laws.

**Committee Amendment "A" (H-167)**

This amendment, which is the majority report of the committee, changes the title and replaces the bill. It amends the State's litter law to clarify that waste materials resulting from the outdoor release or abandonment of a balloon constitute litter under that law. The amendment also provides that it is a violation of the litter law for a person to intentionally release outdoors a balloon that is inflated or filled with a gas that is lighter than air, except for a balloon carrying scientific instrumentation, a balloon used for meteorological observation by a governmental or scientific organization or a hot air balloon that is recovered after launching. It applies a civil penalty of not less than \$100 and not more than \$500 for the illegal intentional release of up to 10 balloons and a civil penalty of not less than \$500 for the illegal intentional release of more than 10 balloons.

This amendment was not adopted.

**LD 951      An Act To Improve the Research Capabilities of State Agencies      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M		

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures designed to improve the research capabilities of state agencies.

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