

# 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

This bill exempts low-head dams from the permitting requirements for repair under the Natural Resources Protection Act.

### Committee Amendment "A" (H-174)

This amendment clarifies that certain maintenance and repairs of nonhydropower dams are exempt from permitting requirements under the Natural Resources Protection Act if certain specified requirements are met.

### Enacted Law Summary

Public Law 2019, chapter 124 clarifies that certain maintenance and repairs of nonhydropower dams are exempt from permitting requirements under the Natural Resources Protection Act if certain specified requirements are met.

### LD 988      **An Act To Reduce the Landfilling of Municipal Solid Waste**      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B CAMPBELL D		

This bill removes the exemption to the municipal solid waste disposal surcharge for municipal solid waste generated by a municipality that owns the landfill accepting it or that has entered into a contract with a term longer than nine months for disposal of municipal solid waste in that landfill facility. The bill also directs the proceeds from the surcharge to the Maine Solid Waste Diversion Grant Program.

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

### LD 1055      **An Act To Reduce Fraud in the Redemption of Beverage Containers**      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BICKFORD B BELLOWS S	ONTP	

This bill amends the State's bottle redemption laws to authorize initiators of deposit subject to a commingling agreement to include in the agreement authorization to conduct audits of beverage containers presented by a dealer or local redemption center for pickup or payment of refund value and to take certain actions against the dealer or local redemption center in the case of a failed audit. The bill also provides for a grievance process whereby a dealer or local redemption center may file a grievance with the Department of Environmental Protection to challenge an action taken by an initiator of deposit in the case of a failed audit.

### **LD 1080**      **Resolve, Regarding Biofuel in Heating Oil**      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T	OTP-AM	H-148

This resolve directs the Executive Department, Governor's Energy Office to oversee a study of and report to the Joint Standing Committee on Environment and Natural Resources on the feasibility of setting a requirement for the

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

percentage of biofuel to be used in No. 2 heating oil.

**Committee Amendment "A" (H-148)**

This amendment changes the title of the resolve and makes the following additional changes.

1. It broadens the scope of the study to include No. 6 heating oil and kerosene in addition to No. 2 heating oil.
2. It requires consultation with additional state agencies in the development of the study report.
3. It authorizes the Joint Standing Committee on Environment and Natural Resources to report out legislation to implement recommendations contained in the report.
4. It adds an appropriations and allocations section.

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 1101      An Act To Amend the Shoreland Zoning Laws To Allow Pedestrian Walkways and Trails That Exclude Motorized Vehicles within the Shoreland Zone      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUDERA V LAWRENCE M	ONTP	

This bill amends the shoreland zoning laws to authorize a municipality to adopt an ordinance that exempts pedestrian walkways or trails within the shoreland zone from otherwise applicable setback requirements so long as use of motorized vehicles, other than motorized assistive devices, is prohibited on the walkway or trail and the ordinance maintains certain other protective standards. Any allowed walkway or trail must meet all other state and local permit requirements and comply with all other applicable rules.

**LD 1115      An Act To Create Fairness in the Redemption of Beverage Containers      ONTP**

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

This bill amends the bottle redemption laws to require a dealer to accept from a consumer or other person and to pay the refund value on any beverage container that was sold by the dealer if no approved bottle redemption centers are located within five miles from the property line of the dealer. Subject to prior approval of the Department of Environmental Protection, a dealer shall affix to the beverage containers it sells a sticker or similar device indicating that the beverage container is sold by the dealer and may refuse to accept from a consumer or other person and to pay the refund value on any beverage container that does not have the sticker or similar device affixed to it. A dealer may also limit the hours or days on which it accepts beverage containers for redemption.

Under the bottle redemption laws, a dealer is a person who sells, offers to sell or engages in the sale of beverages in beverage containers to a consumer, and a dealer may, but is not currently required to, accept from a consumer or other person and pay the refund value on any beverage container.