

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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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.

LD 1433 An Act To Protect the Environment and Public Health by Further Reducing Toxic Chemicals in Packaging

PUBLIC 277

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J FOLEY R	OTP-AM ONTP	H-362

This bill amends the laws regarding the reduction of toxics in packaging to prohibit the sale of food packaging to which phthalates have been intentionally introduced, effective January 1, 2022. It also authorizes the Department of Environmental Protection to by rule prohibit the sale of food packaging to which perfluoroalkyl and polyfluoroalkyl substances, or PFAS, have been intentionally introduced upon a determination by the department that a safer alternative to the intentionally introduced PFAS is available, except that such prohibition may not take effect until January 1, 2022 or two years following the department's determination that a safer alternative is available, whichever is later.

The bill provides an exemption from these prohibitions for a manufacturer of a food or beverage product that has annual national sales of all food and beverage products produced by the manufacturer of less than one billion dollars. It also authorizes the department to designate additional chemicals of concern in food packaging; to require manufacturers of food packaging that use such designated chemicals to report regarding its use of the chemical and the availability of safer alternatives; and to prohibit the sale of food packaging to which a designated chemical of concern has been intentionally introduced if safer alternatives are reasonably available, effective and affordable to the consumer.

Committee Amendment "A" (H-362)

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

1. It clarifies that the sales prohibitions on food packaging containing intentionally introduced perfluoroalkyl and polyfluoroalkyl substances, or PFAS, and phthalates in any amount greater than an incidental presence applies only to sales occurring in the State and clarifies the scope of the exemption to those prohibitions for certain manufacturers of food or beverage products.
2. It provides that any rulemaking by the Department of Environmental Protection to prohibit the sale of food packaging containing intentionally introduced PFAS is major substantive rulemaking and requires the department to adopt by rule such a prohibition upon a determination that a safer alternative to the use of PFAS in a specific application of PFAS to a food package is available.
3. It removes from the bill the provisions authorizing the department to designate by rule additional chemicals of concern in food packaging and instead enacts a new chapter to regulate the use of additional toxic chemicals in food packaging. That new chapter is modeled after the toxic chemicals in children's products law in the Maine Revised Statutes, Title 38, chapter 16-D and incorporates the definitions and criteria from that law into the new chapter, as adapted for application to food packaging.
4. It includes a number of technical changes to the bill as necessary to incorporate the other amendments to the bill included in the amendment.

Enacted Law Summary

Public Law 2019, chapter 277 amends the laws regarding the reduction of toxics in packaging to prohibit the sale of food packaging to which phthalates have been intentionally introduced, effective January 1, 2022. It also authorizes the Department of Environmental Protection to by major substantive rulemaking prohibit the sale of food packaging

Joint Standing Committee on Environment and Natural Resources

to which perfluoroalkyl and polyfluoroalkyl substances, or PFAS, have been intentionally introduced upon a determination by the department that a safer alternative to the intentionally introduced PFAS is available, except that such prohibition may not take effect until January 1, 2022 or two years following the department's determination that a safer alternative is available, whichever is later. It also provides an exemption from these prohibitions for certain smaller manufacturers.

The enacted law also enacts a new chapter of law to regulate the use of additional toxic chemicals in food packaging. That new chapter is modeled after the toxic chemicals in children's products law in the Maine Revised Statutes, Title 38, chapter 16-D and incorporates the definitions and criteria from that law into the new chapter, as adapted for application to food packaging.

LD 1460 An Act To Support Collection and Proper Disposal of Unwanted Drugs CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G HYMANSON P		

This bill provides for the establishment of drug take-back stewardship programs. It requires certain drug manufacturers, as defined in the bill, to operate a drug take-back stewardship program to collect and dispose of certain drugs.

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

LD 1467 An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Cellular Telephone Recycling Law PUBLIC 151

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

This bill, which was reported by the Joint Standing Committee on Environment and Natural Resources pursuant to Joint Order 2019, House Paper 883 and then referred back to the committee for processing in the normal course, implements the Department of Environmental Protection's recommendations regarding the State's cellular telephone recycling law as included in the department's annual report on the State's product stewardship programs.

Specifically, the bill amends the State's cellular telephone recycling law to remove the requirement that cellular telephone service providers submit annual reports to the department regarding the collection and disposal, reuse or recycling of used cellular telephones.

Enacted Law Summary

Public Law 2019, chapter 151 amends the State's cellular telephone recycling law to remove the requirement that cellular telephone service providers submit annual reports to the Department of Environmental Protection regarding the collection and disposal, reuse or recycling of used cellular telephones.