

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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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

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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.

Joint Standing Committee on Environment and Natural Resources

LD 1474 An Act To Ensure Water Equity and Accountability for the People of the State

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C MIRAMANT D	ONTP OTP-AM	

This bill requires certain governmental entities when issuing permits or licenses and setting rates to evaluate the negative externalities resulting from unique uses of water, such as the bulk exportation of water out of a region.

Committee Amendment "A" (H-390)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

This amendment was not adopted.

LD 1532 An Act To Eliminate Single-use Plastic Carry-out Bags

PUBLIC 346

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STOVER H	OTP-AM OTP-AM	H-378

This bill prohibits a retail establishment from using single-use carry-out bags to bag products at the point of sale or otherwise make single-use carry-out bags available to customers, with exemptions for certain types and uses of plastic and paper bags. Retail establishments may provide recyclable paper bags to bag products at the point of sale for at least 5¢ per bag, with exceptions to the fee requirement for certain types of retail establishments. The prohibition is effective April 22, 2020.

Committee Amendment "A" (H-378)

This amendment, which is the majority report of the committee, requires a retail establishment to charge at least a 5¢ fee for each reusable bag made of plastic and for each recycled paper bag used to bag products at the point of sale. It also clarifies provisions in the bill regarding the implementation of the statewide preemption on single-use carry-out bag regulation and the provision regarding violations of the bag prohibition and bag fees requirements. It makes additional technical changes to clarify the application of existing state law regarding plastic bags and removes language in the bill regarding the application of bag fees to purchasers using the federal supplemental nutrition assistance program or the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1996.

Committee Amendment "B" (H-379)

This amendment, which is the minority report of the committee, provides that the prohibitions and requirements in the bill, as amended, apply only in a participating municipality, which is a municipality that has approved at referendum an article subjecting the municipality to the prohibitions and requirements. The amendment requires a retail establishment in a participating municipality to charge at least a 5¢ fee for each reusable bag made of plastic and for each recycled paper bag used to bag products at the point of sale. It also clarifies provisions in the bill regarding the implementation of the statewide preemption on single-use carry-out bag regulation and the provision regarding violations of the bag prohibition and bag fees requirements. It makes additional technical changes to clarify the application of existing state law regarding plastic bags and removes language in the bill regarding the application of bag fees to purchasers using the federal supplemental nutrition assistance program or the Women,

Joint Standing Committee on Environment and Natural Resources

Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1996.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-392)

This amendment amends Committee Amendment "A" to change from 4 mils to 2.25 mils the thickness of the plastic bags that qualify as reusable. It also provides that the revenue collected by retail establishments for providing recyclable or reusable bags must be distributed to a conservation organization identified in major substantive rules adopted by the Department of Environmental Protection.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 346 prohibits a retail establishment from using single-use carry-out bags to bag products at the point of sale or otherwise make single-use carry-out bags available to customers, with exemptions for certain types and uses of plastic and paper bags. Retail establishments may provide recyclable paper bags or reusable bags made of plastic to bag products at the point of sale for at least 5¢ per bag, with exceptions to the fee requirement for certain types of retail establishments. The prohibition is effective April 22, 2020.

LD 1594 An Act To Establish a Stewardship Program for Consumer Batteries CARRIED OVER

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

This bill provides for the establishment of a stewardship program for consumer batteries, including both single-use and rechargeable batteries and certain products containing these batteries. Under the bill, a producer of consumer batteries or an organization composed of one or more producers of such batteries must submit a plan for the establishment of a battery stewardship program to the Commissioner of Environmental Protection for approval. Once approved, the program must operate to provide convenient, free statewide collection opportunities for discarded batteries, and the batteries collected through the program must be recycled or otherwise responsibly managed. The bill also amends and repeals existing laws relating to certain battery types to avoid statutory conflict with the stewardship program for consumer batteries.

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

LD 1628 An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Container Redemption Laws PUBLIC 526

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-461 S-347 BREEN C

This bill, which was reported by the Joint Standing Committee on Environment and Natural Resources pursuant to Joint Order 2019, H.P. 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 container redemption laws as included in the department's annual report on the State's product stewardship programs.