

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.

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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.

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Specifically, the bill makes a number of changes to the State's container redemption laws including the following.

1. It amends the laws to provide that a dealer of beverage containers with 5,000 or more square feet of retail space must accept beverage container returns unless the dealer has a written agreement with a redemption center located within 10 miles of the dealer, as measured along public roadways, to provide redemption services on the dealer's behalf.
2. It establishes an annual license fee for redemption centers of \$100. The current annual license fee is \$50.
3. It clarifies the ability of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to manage its returned containers as a qualified commingling program.
4. It eliminates the special handling fee for small brewers and bottlers of water.
5. It clarifies the obligation of initiators of deposit to recycle returned beverage containers that the initiator of deposit has picked up or that a third party has picked up on the initiator of deposit's behalf.
6. It clarifies the requirements for qualified commingling agreements under the law, provides for the creation of an additional commingling group to be operated by a third party or stewardship organization and requires all initiators of deposit to enter into a commingling agreement by January 1, 2023.
7. It clarifies licensing standards and other requirements for redemption centers.
8. It clarifies the Department of Environmental Protection's rule-making and administrative authority under the law.
9. It establishes annual reporting requirements for initiators of deposit and for pick-up agents that are not initiators of deposit.
10. It makes a number of terminology changes and other technical changes to the law.

Committee Amendment "A" (H-461)

This amendment amends the bill as follows.

1. It includes a definition for the term "recycling" or "recycle" as applicable to the container redemption laws.
2. It authorizes the Department of Environmental Protection to conduct audits of beverage containers prepared for pickup by pick-up agents at redemption centers and to adopt rules regarding such audits.
3. It amends the bill to provide that a dealer of beverage containers with 5,000 or more square feet of retail space must accept beverage container returns unless the dealer has a written agreement with a redemption center located within 10 miles of the dealer, or with the redemption center in closest proximity to the dealer, to provide redemption services on the dealer's behalf.
4. It retains in the law the exception from the population requirements for licensing of redemption centers by distributors, but removes the exception for food establishments. The bill removed the exception for both food establishments and distributors.
5. It provides that no later than November 1, 2019, each initiator of deposit and each pick-up agent that is not an initiator of deposit must report to the department information regarding its beverage container sales and redemptions for calendar year 2018, which the department must use in developing findings and recommendations for inclusion in

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a report, due January 15, 2020, to the Joint Standing Committee on Environment and Natural Resources. The committee is authorized to report out legislation to implement those recommendations.

Senate Amendment "A" To Committee Amendment "A" (S-347)

This amendment amends Committee Amendment "A" to remove the requirement that each initiator of deposit enter into a commingling agreement no later than January 1, 2023.

Enacted Law Summary

Public Law 2019, chapter 526 makes the following changes to the State's container redemption laws.

1. It amends the laws to provide that a dealer of beverage containers with 5,000 or more square feet of retail space must accept beverage container returns unless the dealer has a written agreement with a redemption center located within 10 miles of the dealer, or with the redemption center in closest proximity to the dealer, to provide redemption services on the dealer's behalf.
2. It establishes an annual license fee for redemption centers of \$100.
3. It clarifies the ability of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to manage its returned containers as a qualified commingling program.
4. It eliminates the special handling fee for small brewers and bottlers of water.
5. It clarifies the obligation of initiators of deposit to recycle returned beverage containers that the initiator of deposit has picked up or that a third party has picked up on the initiator of deposit's behalf.
6. It clarifies the requirements for qualified commingling agreements under the law and provides for the creation of an additional commingling group to be operated by a third party or stewardship organization.
7. It authorizes the Department of Environmental Protection to conduct audits of beverage containers prepared for pickup by pick-up agents at redemption centers and to adopt rules regarding such audits.
8. It clarifies licensing standards and other requirements for redemption centers.
9. It clarifies the Department of Environmental Protection's rule-making and administrative authority under the law.
10. It establishes annual reporting requirements for initiators of deposit and for pick-up agents that are not initiators of deposit.
11. It requires that no later than November 1, 2019, each initiator of deposit and each pick-up agent that is not an initiator of deposit must report to the Department of Environmental Protection information regarding its beverage container sales and redemptions for calendar year 2018, which the department must use in developing findings and recommendations for inclusion in a report, due January 15, 2020, to the Joint Standing Committee on Environment and Natural Resources. The committee is authorized to report out legislation to implement those recommendations.
12. It makes a number of terminology changes and other technical changes to the law.