

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.

Joint Standing Committee on Environment and Natural Resources

LD 1644 An Act To Clarify Conflict of Interest Requirements for the Board of Environmental Protection

PUBLIC 180

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

This bill clarifies when a member of the Board of Environmental Protection may not participate in a review of a permitting or enforcement decision under the federal Clean Air Act.

Enacted Law Summary

Public Law 2019, chapter 180 clarifies when a member of the Board of Environmental Protection may not participate in a review of a permitting or enforcement decision under the federal Clean Air Act.

LD 1649 An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Product Stewardship Program Framework Laws

PUBLIC 227

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-361

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 product stewardship program framework laws, as included in the department's annual report on the State's product stewardship programs.

Specifically, the bill makes a number of changes to the State's product stewardship program framework laws including the following.

1. It revises program parameters with respect to the establishment of a product collection system, program staffing requirements for producers or stewardship organizations and program costs.
2. It revises the requirements for information to be included in a proposed product stewardship plan, including information on program performance goals and program assessment, collection sites and consumer participation and program financing.
3. It authorizes the department to initiate changes to an approved product stewardship plan upon a determination that the program has failed to make adequate progress toward achieving program goals.
4. It revises annual program reporting requirements for producers and stewardship organizations and amends the authority for legislation of the joint standing committee of the Legislature having jurisdiction over natural resources matters relating to the department's annual product stewardship report.

Committee Amendment "A" (H-361)

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

1. It amends program staffing requirements to allow the Commissioner of Environmental Protection to approve a lesser staffing requirement than the minimum half-time employee required under the bill.

Joint Standing Committee on Environment and Natural Resources

2. It authorizes the Department of Environmental Protection to recommend in its annual report to the Legislature that a program be required to provide financial incentives or a deposit and refund system.
3. It makes a number of other technical changes to the bill.

Enacted Law Summary

Public Law 2019, chapter 227 makes a number of changes to the State's product stewardship program framework laws including the following.

1. It revises program parameters with respect to the establishment of a product collection system, program staffing requirements for producers or stewardship organizations and program costs.
2. It revises the requirements for information to be included in a proposed product stewardship plan, including information on program performance goals and program assessment, collection sites and consumer participation and program financing.
3. It authorizes the Department of Environmental Protection to initiate changes to an approved product stewardship plan upon a determination that the program has failed to make adequate progress toward achieving program goals.
4. It revises annual program reporting requirements for producers and stewardship organizations and amends the authority for legislation of the joint standing committee of the Legislature having jurisdiction over natural resources matters relating to the department's annual product stewardship report.

**LD 1668 An Act To Implement Recommendations of the Department of
Environmental Protection Regarding the State's Mercury-added Lamp
Law**

PUBLIC 286

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-389

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 mercury-added lamp law as included in the department's annual report on the State's product stewardship programs.

Specifically, the bill makes a number of changes to the State's mercury-added lamp law, including the following.

1. It amends the scope of mercury-added lamp recycling programs to require acceptance by such programs of mercury-added lamps from covered entities, which are defined in the bill as households, elementary schools or secondary schools located in the State; businesses located in the State that employ 100 or fewer individuals; and nonprofit organizations located in the State that are exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c)(3) and employ 100 or fewer individuals. Under current law, such recycling programs are required to accept mercury-added lamps only from households.
2. It revises the requirements for mercury-added lamp recycling programs, including provisions regarding collection sites and education and outreach efforts, and adds program performance goals.
3. It clarifies the information required to be reported annually to the department by manufacturers of