

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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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

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mercury-added lamps.

Committee Amendment "A" (H-389)

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

1. It amends the definition in the bill for the term "covered entity" to mean a person who at any one time presents for drop off at a collection location participating in a department-approved program for the recycling of mercury-added lamps any number of compact fluorescent mercury-added lamps or 10 or fewer mercury-added lamps that are not compact fluorescent mercury-added lamps.
2. It amends the collection system requirements under the bill to require that no later than January 1, 2020, the collection system must provide at least 90% of residents with a permanent collection location or nonpermanent collection location available on a periodic basis within 15 miles of their residence.
3. It removes specific consumer awareness requirements in the bill and instead requires that a mercury-lamp recycling program annually increase consumer awareness.
4. It removes from the bill the requirement for a mercury-lamp recycling program to provide a minimum half-time employee dedicated to implementing the program.
5. It provides for payment of a flat program participation fee by manufacturers that have stopped offering for sale or distributing in the State mercury-added lamps.
6. It establishes a threshold for development by the Department of Environmental Protection, with input from manufacturers of mercury-added lamps, of a process to reduce the scope of the manufacturer recycling program and to terminate all program requirements. The department is required to submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding its findings and recommendations for reducing and terminating the program, and the committee is authorized to report out a bill to implement those recommendations.
7. It makes other technical corrections to the bill.

Enacted Law Summary

Public Law 2019, chapter 286 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 enacted law bill as persons who at any one time present for drop off at a collection location participating in a Department of Environmental Protection-approved program for the recycling of mercury-added lamps any number of compact fluorescent mercury-added lamps or 10 or fewer mercury-added lamps that are not compact fluorescent mercury-added lamps.
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 requires that no later than January 1, 2020, a collection system under a mercury-added lamp recycling program must provide at least 90% of residents with a permanent collection location or nonpermanent collection location available on a periodic basis within 15 miles of their residence.
4. It requires that a mercury-lamp recycling program annually increase consumer awareness.
5. It provides for payment of a flat program participation fee by manufacturers that have stopped offering for sale or

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distributing in the State mercury-added lamps.

6. It clarifies the information required to be reported annually to the department by manufacturers of mercury-added lamps.

7. It establishes a threshold for development by the department, with input from manufacturers of mercury-added lamps, of a process to reduce the scope of the manufacturer recycling program and to terminate all program requirements. The department is required to submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding its findings and recommendations for reducing and terminating the program, and the committee is authorized to report out a bill to implement those recommendations.

LD 1679 An Act To Promote Clean Energy Jobs and To Establish the Maine Climate Council

**PUBLIC 476
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D TUCKER R	OTP-AM	S-221

This bill establishes the Maine Climate Change Council to assist Maine to mitigate, prepare for and adapt to climate change. It also provides that by January 1, 2030, 80% of electricity consumed in the State must come from renewable resources and by January 1, 2050, 100% of electricity consumed in the State must come from renewable resources. It also updates the greenhouse gas emissions reductions required in statute and requires that the state climate action plan be updated by December 1, 2020 and every four years thereafter.

Committee Amendment "A" (S-221)

This amendment changes the title of the bill, adds an emergency preamble and emergency clause and makes the following additional changes to the bill.

1. It removes from the bill provisions regarding requirements for the consumption of electricity from renewable resources.
2. It stipulates an interim greenhouse gas emissions reductions level to be achieved by January 1, 2040, requiring by such date that the greenhouse gas emissions reductions be on a trajectory sufficient to achieve the 2050 annual emissions reductions level in the bill.
3. It clarifies the rule-making authority concerning compliance rules for the greenhouse gas emissions reductions levels required under the bill, specifying that the rules are to be adopted by the Board of Environmental Protection rather than the Department of Environmental Protection and that the rules must be consistent with the updated climate action plan and must be fair and equitable and account for and give significant weight to greenhouse gas emissions reductions already achieved by various sectors.
4. It requires the State's climate action plan update to include development of a clean energy economy transition plan.
5. It amends the Maine Climate Change Council, which is proposed in the bill, as follows.
 - A. It changes the name of the council to the Maine Climate Council.
 - B. It adds as a member of the council the Commissioner of Labor, increasing the total membership to 39.