

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

C. It clarifies member compensation and terms of membership, increasing the term for public members from two years to three years.

D. It clarifies the purpose and makeup of the council's steering committee as well as the designation of the members of the Scientific and Technical Subcommittee and the working groups.

E. It clarifies the duties and responsibilities of the council, the subcommittee and the working groups.

F. It removes language from the bill authorizing the subcommittee and the working groups to solicit and accept funding, and instead authorizes the council to conduct all funding solicitation and acceptance.

G. It requires, beginning January 15, 2021, and annually thereafter, that the council submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters describing the activities of the council, the subcommittee and its working groups over the prior calendar year and including any findings and recommendations of the council, including any proposed legislation. After reviewing the report, the committee may report out legislation to implement any recommendations contained in the report.

It requires that the report also include a list of the amounts and sources of any funds accepted by the council in the prior calendar year, excluding those funds appropriated or allocated by the Legislature, and an indication of whether such outside funds were expended in the prior calendar year and, if expended, the purpose or purposes of the expenditure.

6. It makes a number of other clarifications and technical changes to the bill.

Enacted Law Summary

Public Law 2019, chapter 476 updates the State's greenhouse gas emissions reductions requirements and provides that the state climate action plan be updated by December 1, 2020 and every four years thereafter. It also establishes the Maine Climate Council to assist Maine to mitigate, prepare for and adapt to climate change.

Public Law 2019, chapter 476 was enacted as an emergency measure effective June 26, 2019.

LD 1687 An Act Regarding the Water Quality Certification of Graham Lake on the Union River CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L GROHOSKI N		

This bill provides that for the purposes of water quality certification under the Federal Water Pollution Control Act

1. Graham Lake located in the Union River in the City of Ellsworth may be subject to drawdowns of lake levels of up to 4 feet and still be deemed to meet state water classification standards;
2. The Department of Environmental Protection may not waive water quality certification under the Federal Water Pollution Control Act for the Federal Energy Regulatory Commission license for the Ellsworth Hydroelectric Project and failure of the department to file timely a water quality certification is deemed to be a denial of water quality certification; and
3. The Ellsworth Hydroelectric Project is subject to an involuntary water quality decertification if the project does not provide for a volitional upstream fish passage over both the Graham Lake Dam and Ellsworth Lake Dam within

Joint Standing Committee on Environment and Natural Resources

10 years of the project's relicensure.

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

LD 1706 An Act To Ensure Public Notification of Air Quality Violations

PUBLIC 321

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KESSLER C	OTP-AM ONTP	S-189

This bill requires the Department of Environmental Protection to notify an affected municipality when the department issues a notice of violation or initiates an enforcement action relating to an air quality violation.

Committee Amendment "A" (S-189)

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

1. It removes language from the bill requiring the Department of Environmental Protection to notify affected municipalities regarding the department's initiation of an air quality-related enforcement action.
2. It adds language requiring the department to notify affected municipalities regarding the department's receipt of an air quality-related notice of violation from the United States Environmental Protection Agency.
3. It provides that the department may provide the required information to affected municipalities electronically.

Enacted Law Summary

Public Law 2019, chapter 321 requires the Department of Environmental Protection to notify an affected municipality when the department issues a notice of violation or receives an air quality-related notice of violation from the United States Environmental Protection Agency. Such notification may be provided electronically.

LD 1707 An Act To Ensure Accuracy and Reliability of Environmental Testing by Requiring Compliance Testing by 3rd-parties

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KESSLER C	ONTP	

This bill requires the Department of Environmental Protection to include in each license issued by the department a requirement that an independent entity perform testing to determine compliance with the license.

LD 1743 An Act To Reclassify Certain Waters of the State

PUBLIC 333

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ZEIGLER S	OTP-AM	H-462

This bill updates classifications for certain waters based on water quality data.