

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

November 2020

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STATE OF MAINE

129TH LEGISLATURE
FIRST REGULAR SESSION



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

- 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 10 years of the project's relicensure.

LD 1750 An Act To Establish Appliance Energy and Water Standards CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKERB CARSON B	OTP-AM ONTP	

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill enacts the Appliance Energy and Water Standards Act to be implemented, administered and enforced by the Department of Environmental Protection. The Act generally provides that, beginning January 1, 2021, a person is prohibited from selling or offering for sale in the State certain appliances and products unless they meet or exceed applicable energy and water standards adopted by rule by the department. Beginning January 1, 2022, a person is prohibited from installing for compensation in the State any of those appliances or products.

Committee Amendment "A" (H-741)

This amendment, which is the majority report of the committee, replaces the bill and provides that, beginning January 1, 2022, a person may not sell or offer for sale in the State any of the following new products that are manufactured on or after January 1, 2022 and that were prohibited from sale in the State of California under its appliance efficiency regulations, as those regulations were in effect on January 1, 2020: computers and computer monitors; general service lamps; commercial hot food holding cabinets; plumbing fittings that are showerheads, lavatory faucets, kitchen faucets, public lavatory faucets, metering faucets, kitchen replacement aerators and lavatory replacement aerators; plumbing fixtures that are water closets and urinals; portable electric spas; spray sprinkler bodies; and water dispensers. The Governor's Energy Office is required to enforce this prohibition, and fines for a violation of the prohibition are specified. The office is authorized to enter into a memorandum of understanding or other formalized agreement with the Efficiency Maine Trust for the provision of technical assistance by the trust to consumers and businesses regarding this prohibition. The office is also required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters describing any recent or anticipated changes to the California appliance efficiency regulations and including recommendations as to whether, based on such changes or for other specified reasons, the state provision requires amendment. The amendment adds an appropriations and allocations section.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over in the Senate.

LD 1777 An Act To Add Rivers, Streams and Brooks to the Department of Environmental Protection's Compensation Fee Program PUBLIC 581

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEYR	OTP-AM	S-385

Joint Standing Committee on Environment and Natural Resources

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill adds rivers, streams and brooks to the list of protected natural resources for which the Department of Environmental Protection may develop a compensation fee program. The bill also removes a statutory requirement that the department, when developing a compensation fee program, consult with the Department of Agriculture, Conservation and Forestry and the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (S-385)

This amendment amends the bill by clarifying the state and federal resource agencies that the Department of Environmental Protection has to consult with in developing a compensation fee program. It also makes a number of technical corrections to the compensation fee program statute necessitated by the addition of rivers, streams and brooks to the list of protected natural resources for which the department may develop a compensation fee program, as provided for in the bill.

Enacted Law Summary

Public Law 2019, chapter 581 adds rivers, streams and brooks to the list of protected natural resources for which the Department of Environmental Protection may develop a compensation fee program.

LD 1779	An Act To Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems	PUBLIC 582
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM	H-677

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill authorizes the Department of Environmental Protection to establish standards through routine technical rulemaking for operation and maintenance and asset management for publicly owned treatment works and municipal satellite collection systems.

Committee Amendment "A" (H-677)

This amendment designates as major substantive rules the rules the Department of Environmental Protection may adopt establishing standards for operation and maintenance and asset management for publicly owned treatment works and municipal satellite collection systems.

Enacted Law Summary

Public Law 2019, chapter 582 authorizes the Department of Environmental Protection to establish standards through major substantive rulemaking for operation and maintenance and asset management for publicly owned treatment works and municipal satellite collection systems.

LD 1780	An Act To Support Replacement of At-risk Home Heating Oil Tanks	PUBLIC 583
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM	H-678