

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

LD 1823 An Act To Allow a Float Haul-out or Marine Way within Shoreland Zone Setbacks ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL D	ONTP	

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

This bill provides that a float haul-out or marine way is a functionally water-dependent use allowed in the shoreland zone.

LD 1832 An Act To Ensure Adequate Funding for the Maine Pollutant Discharge Elimination System and Waste Discharge Licensing Program PUBLIC 631

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM ONTP	H-709

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

This bill increases the annual waste discharge license fee for certain categories of existing discharges by 40% from the 2018 bill amount, and the annual discharge license fee for certain categories of new discharges by 40% from the amount indicated in the Department of Environmental Protection fee schedule effective November 1, 2018 to October 31, 2019.

Committee Amendment "A" (H-709)

This amendment is the majority report of the committee. Like the bill, it increases the annual waste discharge license fee for certain categories of existing discharges by 40%; however, unlike the bill, it bases this increase on the 2019 bill amount. Like the bill, the amendment also increases the annual waste discharge license fee for certain categories of new discharges by 40%; however, unlike the bill, it bases this increase on the amount indicated in the Department of Environmental Protection fee schedule effective November 1, 2019 to October 31, 2020. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 631 increases the annual waste discharge license fee for certain categories of existing discharges by 40% from the 2019 bill amount, and the annual discharge license fee for certain categories of new discharges by 40% from the amount indicated in the Department of Environmental Protection fee schedule effective November 1, 2019 to October 31, 2020.

LD 1915 Resolve, Directing the Department of Environmental Protection To Evaluate Emissions from Aboveground Petroleum Storage Tanks RESOLVE 128

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETTR CARNEYA	OTP-AM ONTP	S-415

Joint Standing Committee on Environment and Natural Resources

This resolve directs the Department of Environmental Protection to study methods to measure and estimate air emissions from fixed-roof, heated aboveground petroleum storage tanks and methods to control odor and other air emissions from emission sources at oil terminal facilities. The department is required to submit a report by January 1, 2021 to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, which may submit legislation to the First Regular Session of the 130th Legislature.

Committee Amendment "A" (S-415)

This amendment, which is the majority report of the committee, changes the title of the resolve and language in the resolve to broaden the scope of the study to all aboveground petroleum storage tanks instead of just fixed-roof, heated tanks. The amendment also requires the Department of Environmental Protection, as part of the study required in the resolve, to identify methods or programs for assisting municipalities in the use and application of mobile air quality monitoring devices to identify the release of hazardous air pollutants from aboveground petroleum storage tanks. It also requires the department to include recommendations for these identified methods or programs in its required report.

Enacted Law Summary

Resolve 2019, chapter 128 directs the Department of Environmental Protection to study methods to measure and estimate air emissions from aboveground petroleum storage tanks and methods to control odor and other air emissions from emission sources at oil terminal facilities. The department is required to submit a report by January 1, 2021 to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, which may submit legislation to the First Regular Session of the 130th Legislature.

LD 1923 An Act To Define as a Hazardous Substance under Maine Law Any CARRIED OVER
Substance Defined under Federal Law as a Hazardous Substance,
Pollutant or Contaminant

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J	OTP-AM OTP-AM	

This bill amends the definition of "hazardous substance" in the laws governing uncontrolled hazardous substance sites by including substances defined as hazardous substances or pollutants or contaminants under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Committee Amendment "A" (H-753)

This amendment, which is the majority report of the committee, changes the title of the bill, retains the provision of the bill that adds a new definition to the term "hazardous substance" under the State's uncontrolled hazardous substance sites law and makes the following additional changes.

1. It provides a limited exemption from liability for publicly owned treatment works based on the contribution by the publicly owned treatment works of effluent or sewage sludge to an uncontrolled hazardous substance site.
2. It provides a limited exemption from liability for public water systems based on the contribution by the public water system of water treatment residuals to an uncontrolled hazardous substance site.
3. It requires that, on or before January 15, 2022, the Department of Environmental Protection report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding the investigation or removal of hazardous substances that are pollutants or contaminants at certain uncontrolled hazardous substance sites.