

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> 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

129<sup>TH</sup> 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 129<sup>th</sup> 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 129<sup>th</sup> 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**

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 Substance Defined under Federal Law as a Hazardous Substance, Pollutant or Contaminant**

**CARRIED OVER**

<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.

## *Joint Standing Committee on Environment and Natural Resources*

### **Committee Amendment "B" (H-754)**

This amendment, which is the minority report of the committee, changes the title of the bill, replaces the bill and makes the following changes to the State's uncontrolled hazardous substance sites law.

1. It amends the definition of "hazardous substance" to include perfluoroalkyl and polyfluoroalkyl substances and residual substances relating to the illegal manufacture of methamphetamine and other synthetic drugs.
2. It adds definitions for the terms "pollutant or contaminant" and "uncontrolled pollutant or contaminant site." It provides the Department of Environmental Protection with authority to investigate, take control of, secure and take other action regarding substances that are pollutants or contaminants at uncontrolled pollutant or contaminant sites, including the removal of such substances. Under the amendment, the costs of such state actions incurred in the investigation, mitigation, cleanup and other related activities of substances that are pollutants or contaminants are to be borne by the State and not by any individual parties associated with the uncontrolled pollutant or contaminant site or with the substances at the site.
3. 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.
4. 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.

The amendment 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 at certain uncontrolled hazardous substance sites and the investigation or removal of substances that are pollutants or contaminants at certain uncontrolled pollutant or contaminant sites.

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 1942     An Act To Protect Water Quality by Requiring Additional Disclosures to Purchasers of Consumer Fireworks Regarding Safe and Proper Use**

**PUBLIC 646**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J	OTP-AM	H-755

This bill bans the use of consumer fireworks in the shoreland zone except during the calendar week that includes July 4th and on New Year's Eve, Labor Day and Memorial Day. It exempts from this prohibition fireworks displays that have a permit issued by the Commissioner of Public Safety or the commissioner's designee.

### **Committee Amendment "A" (H-755)**

This amendment changes the title of and replaces the bill. It amends the State's consumer fireworks laws to provide that the required disclosures to purchasers of consumer fireworks by sellers of consumer fireworks must include guidelines regarding the safe and proper use of consumer fireworks around bodies of water; guidelines regarding the prevention of littering in the use of consumer fireworks; and guidelines regarding the effects from the use of consumer fireworks on wildlife, livestock and domesticated animals.

### **Enacted Law Summary**