

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

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

Joint Standing Committee on Environment and Natural Resources

Public Law 2019, chapter 646 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.

LD 1998 An Act To Amend the Waste Motor Oil Disposal Site Remediation Program **CARRIED OVER**

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

This bill amends the Finance Authority of Maine's waste motor oil disposal site remediation program by directing all remaining funds in the Waste Motor Oil Revenue Fund to the Department of Environmental Protection's Uncontrolled Sites Fund and by repealing the laws governing the program. Except for the premium imposed on the sale or distribution of motor vehicle oil, the laws governing the program are repealed June 30, 2020. The repeal of the premium imposed on the sale or distribution of motor vehicle oil is effective when the legislation is approved. The bill also amends other sections of law by correcting cross-references and making technical changes resulting from the repeal of the laws governing the program.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over as reported out of the committee without having been taken up by the House or the Senate.

LD 2006 An Act To Amend the Laws Governing Waste Discharge Analysis by Laboratories Operated by Waste Discharge Facilities **PUBLIC 580**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	OTP	

This bill allows a laboratory operated by a licensed waste discharge facility to analyze waste discharges for enterococcus without being certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention for the use of programs of the department or the Department of Environmental Protection.

Enacted Law Summary

Public Law 2019, chapter 580 allows a laboratory operated by a licensed waste discharge facility to analyze waste discharges for enterococcus without being certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention for the use of programs of the department or the Department of Environmental Protection.

LD 2033 An Act To Ensure Proper Closure of Oil Terminal Facilities **PUBLIC 678**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARNEY A MILLETTR	OTP-AM ONTP	H-710

This bill ensures proper closure of oil terminal facilities by establishing financial assurance and facility closure requirements. It develops a process for assessing the costs of decommissioning oil terminal facilities and