

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

infrastructure and establishing financial responsibility for closure costs. It requires, upon closure, removal of facilities and appurtenances and remediation of the site to an unrestricted use standard or the most protective use standard determined by the Department of Environmental Protection to be practicable. It also requires facilities not in use for 10 years to file a closure plan. The bill also requires oil terminal facilities to provide evidence of financial ability to satisfy liability under existing law.

Committee Amendment "A" (H-710)

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. It removes from the bill the requirement that oil terminal facilities not in use for 10 years file a closure plan.
2. It adds to the laws governing oil terminal facilities a definition for the term "related appurtenances."
3. It makes a number of technical clarifications and other changes to provisions in the bill dealing with the definitions of "facility closure" and "oil" and financial responsibility, liability and facility closure requirements related to oil terminal facilities.

Enacted Law Summary

Public Law 2019, chapter 678 establishes financial assurance and facility closure requirements for oil terminal facilities. It develops a process for assessing the costs of decommissioning oil terminal facilities and infrastructure and establishing financial responsibility for closure costs. It requires, upon closure, removal of facilities and appurtenances and remediation of the site such that it is suitable for residential use or meets the the most protective use standard practicable. It also requires oil terminal facilities to provide evidence of financial ability to satisfy liability under existing law.

LD 2104 An Act To Support and Increase the Recycling of Packaging

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

This bill, which is reported out by the Joint Standing Committee on Environment and Natural Resources pursuant to Resolve 2019, chapter 42, section 2, establishes a stewardship program for packaging to be operated by a stewardship organization contracted by the Department of Environmental Protection following a competitive bidding process.

Under that program, producers of packaging pay into a fund based on the amount by weight of packaging material they sell, offer for sale or distribute for sale in the State. Producers can wholly or partially offset this payment obligation by implementing independent programs to recycle packaging of the same material type for which they have a payment obligation and can further reduce their payment obligation by reducing the amount of packaging they sell, offer for sale or distribute for sale in the State, by redesigning that packaging to make it more valuable as a recyclable material or by meeting other program incentive requirements.

Producer payments received by the stewardship organization are used to reimburse eligible municipalities for certain incurred recycling and waste management costs. To be eligible for such reimbursements, a municipality must share with the stewardship organization certain data regarding its incurred recycling and waste management costs. Recycling-related reimbursements to municipalities will be based on the median recycling costs incurred by similarly situated municipalities, while disposal-related reimbursements will be based on per capita disposal costs. The stewardship organization is authorized to use producer payments remaining after all reimbursements are paid to cover operational costs for the program, department fees, investments by the organization in education and

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infrastructure aimed at improving recycling outcomes in the State and funding for the Maine Solid Waste Diversion Grant Program established under the Maine Revised Statutes, Title 38, section 2201-B.

The committee has not taken a position on the substance of the bill and by reporting this bill out the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill. The committee is reporting the bill out for the sole purpose of obtaining a printed bill that can be referred to the committee for a public hearing and subsequent committee action in the normal course.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over in committee, and the committee had voted on the measure, but it had not yet been reported out.

LD 2112	An Act To Limit the Use of Hydrofluorocarbons To Fight Climate Change	CARRIED OVER
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R FOLEY R		

This bill prohibits the selling, leasing, renting, installing, use or entering into commerce of any product or equipment that uses or will use a substance that is a hydrofluorocarbon with high global warming potential intended for any air conditioning, refrigeration, foam or aerosol propellant end use as determined by the Department of Environmental Protection in rules. It directs the department to adopt rules to implement the prohibition and specifies the substances and end uses that are to be addressed in the rules. In adopting the initial rules, the department must regulate each substance and end use as specifically provided for in the bill and may not regulate any substance or end use not addressed in the bill. In the future, the department may adopt rules adding or removing substances from the list of prohibited substances or adding or removing end uses.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over in committee, and the committee had voted on the measure, but it had not yet been reported out.

LD 2147	An Act To Require Reporting of Perfluoroalkyl and Polyfluoroalkyl Substances, PFAS, in Products and of Discharges of Firefighting Foam Containing PFAS	CARRIED OVER
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
INGWERSEN H		

This bill requires manufacturers of products with intentionally added perfluoroalkyl and polyfluoroalkyl substances to report the presence of those substances in those products to the Department of Environmental Protection beginning in 2023. This bill also requires any person who causes a discharge of aqueous film-forming foam into waters of the State to report that discharge to the department within 24 hours.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over in committee and the committee had not finally voted on the measure.