

MAINE STATE LEGISLATURE

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STATE OF MAINE
131ST LEGISLATURE
SECOND REGULAR SESSION



Disposition of bills and summaries of all laws enacted or finally passed

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

June 2024

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STATE OF MAINE

131ST LEGISLATURE
SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILLS AND SUMMARIES OF ENACTED LAWS

This *Legislative Digest of Bills and Summaries of Enacted Laws* provides the disposition of all LDs and summaries of all laws enacted or finally passed during the Second Regular Session of the 131st Maine Legislature. Please note that all LDs and proposed amendments may be found through the Legislature's webpage, and each includes a summary of what the bill or amendment proposed.

The *Legislative Digest of Bills and Summaries of Enacted Laws* is arranged alphabetically by committee. Within each committee section is a subject index of all LDs considered by that committee as well as a digest of the LDs, arranged by LD number. Also included are enacted law summaries of the LDs enacted or finally passed. Brief analyst notes on certain LDs are also included: a committee digest will indicate if additional notes are provided for an LD. These notes add information staff found useful and may provide useful information to users of this *Digest*; please note that most LDs do not have a note and lack of a note should not be interpreted as having any significance. A separate section of the *Digest* provides a digest of the relatively few LDs that were not referred to a committee or reported from a committee as a committee bill; enacted law summaries of the LDs enacted or finally passed are provided. Finally, an appendix provides a summary of relevant session statistics.

The final disposition of each LD is noted in the relevant summary digest and index. 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 Second Regular Session of the 131st Legislature is Friday, August 9, 2024. 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 2044 An Act to Update Air Quality Health Warnings

ENACTED LAW SUMMARY

Current law requires the Department of Environmental Protection to disseminate a health warning to the mass media when ground-level ozone concentrations have exceeded or will exceed .08 parts per million averaged over an eight-hour period. Public Law 2023, chapter 496 instead requires the department to disseminate a health warning to the mass media when ambient air concentrations of a pollutant reach the United States Environmental Protection Agency's Air Quality Index category of Unhealthy for Sensitive Groups or a higher category. The law also requires the department to disseminate health warnings directly to the public using appropriate technology and authorizes the use of other appropriate technology besides a telephone hotline when providing information to the public on daily ground-level ozone concentrations.

LD 2058 An Act Regarding Compliance with Environmental Permit and License Application Requirements

ENACTED LAW SUMMARY

Public Law 2023, chapter 509 provides that the Department of Environmental Protection may specify as a reason for nonacceptance of a permit or license application that the application was submitted after the activity requiring the permit or license has begun if the applicant knowingly violated a requirement to obtain a permit or license for the activity or the applicant previously violated a requirement to obtain a permit or license within the five years immediately preceding the submission of the application.

LD 2059 An Act Regarding Processing of Applications Under the Natural Resources Protection Act to Ensure Consistency with Shoreland Zoning Laws

ENACTED LAW SUMMARY

Public Law 2023, chapter 497 authorizes the Commissioner of Environmental Protection to return as incomplete an application for a permit under the Natural Resources Protection Act if the commissioner finds that there is a reasonable likelihood that the proposed activity would be inconsistent with the minimum guidelines for municipal zoning and land use controls adopted by the Board of Environmental Protection under the laws governing shoreland zoning.

LD 2066 An Act to Clarify Liability Under the Uncontrolled Hazardous Substance Site Law and to Waive a Fee Regarding Voluntary Response Action Plans

ENACTED LAW SUMMARY

Public Law 2023, chapter 510 amends the uncontrolled hazardous substance site law as follows.

JOINT STANDING COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

1. It clarifies that each responsible party is jointly and severally liable for all costs incurred by the State for the abatement, cleanup or mitigation of the threats or hazards posed by an uncontrolled site, including all of the State's costs of acquiring property.
2. It clarifies that a person who would otherwise be a responsible party is not subject to cost recovery by the State for the State's abatement, clean up or mitigation costs and for damages under certain circumstances.
3. For the purpose of demonstrating that a person has exercised due care with respect to an uncontrolled site that the person acquired after hazardous substances were located on that site, the law establishes different requirements based on the date the property was acquired.
4. It provides a limited exemption from liability for contamination of a site with perfluoroalkyl and polyfluoroalkyl substances, or PFAS, if the source of the contamination was primarily caused by Department of Environmental Protection-licensed land application of sludge or sludge-derived products.

Public Law 2023, chapter 510 also provides that a fee for department assistance in submitting a voluntary response action plan is waived if the plan is submitted for a property transaction or use funded by the Fund To Address PFAS Contamination for the purpose of buying or selling agricultural land found to be contaminated by PFAS.

LD 2134 An Act Regarding Responsibility for Activities Intended to Increase the Use of Refillable and Reusable Beverage Containers

ENACTED LAW SUMMARY

Public Law 2023, chapter 529 amends the beverage container redemption laws by transferring from the Department of Environmental Protection to the commingling cooperative established pursuant to the Maine Revised Statutes, Title 38, section 3107, subsection 3-B the responsibility for management of the expenditure of unclaimed beverage container deposit funds to support activities designed to increase the use of refillable and reusable beverage containers in the State. The law reduces by \$500,000 per year the amount of unclaimed deposit funds the commingling cooperative is required to provide to the department for deposit into the department's Cost and Carbon Efficient Technology Fund and instead requires the cooperative to make available a minimum of \$500,000 per year to fund activities and infrastructure relating to increasing the use of refillable and reusable beverage containers and reusable beverage packaging in the State. It also requires the commingling cooperative, in consultation with the Department of Environmental Protection and interested persons, to contract with a third party entity to complete a study required regarding the feasibility of achieving certain goals for the sale of reusable and refillable beverage containers.