

STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

August 2015

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Joint Standing Committee on Environment and Natural Resources

LD 40 An Act To Protect Maine's Great Ponds

ONTP

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

This bill creates a prohibition on the application of fertilizers within 50 feet of the normal high-water line of a great pond, with exceptions for persons involved in agriculture or applying fertilizer to establish or restore vegetation to stop, slow or remediate shoreline erosion or damage.

LD 70 An Act To Assist Towns in Eradicating Milfoil and Other Invasive Aquatic Plants and Nuisance Species

ONTP

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

This bill provides funding in fiscal years 2014-15 and 2015-16 in the amount of \$225,000 for the Lake and River Protection Fund within the Department of Inland Fisheries and Wildlife and in the amount of \$900,000 for the Invasive Aquatic Plant and Nuisance Species Fund within the Department of Environmental Protection. These General Fund distributions are intended to correspond to the annual average funds deposited into each of these accounts representing fees collected on motorboat and personal watercraft lake and river protection stickers issued pursuant to the Maine Revised Statutes, Title 12, section 13058, subsection 3. Pursuant to statute, these funds are used by each department to engage in activities relating to the containment, eradication and management of the spread of invasive aquatic plants and nuisance species in Maine, to assist municipalities and other entities in accomplishing these goals and to aid in the enforcement of laws and rules pertaining to invasive aquatic plants and nuisance species.

LD 85 An Act To Prohibit Synthetic Plastic Microbeads in Personal Care Products and Over-the-counter Drugs

PUBLIC 4

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

This bill establishes dates after which the manufacture for sale or acceptance for sale of personal care products containing synthetic plastic microbeads is prohibited. It also establishes dates after which the manufacture for sale or acceptance for sale of an over-the-counter drug containing synthetic plastic microbeads is prohibited.

Enacted Law Summary

Public Law 2015, chapter 4 establishes dates after which the manufacture for sale or acceptance for sale of personal care products containing synthetic plastic microbeads is prohibited. It also establishes dates after which the manufacture for sale or acceptance for sale of an over-the-counter drug containing synthetic plastic microbeads is prohibited.

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LD 105 An Act To Enhance the Competitiveness of Maine's Biomass Facilities ONTP
by Exempting from Waste Handling Fees Certain Construction and
Demolition Debris

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY HARLOW	ONTP	

This bill prohibits the imposition of a fee for the disposal of construction and demolition debris or residue from the processing of construction and demolition debris used for daily cover.

LD 146 Resolve, Regarding Legislative Review of Chapter 200: Metallic Mineral ONTP
Exploration, Advanced Exploration and Mining, a Major Substantive
Rule of the Department of Environmental Protection

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

This resolve provides for legislative review of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection.

LD 147 Resolve, Regarding Legislative Review of Portions of Chapter 500: RESOLVE 12
Stormwater Management, a Major Substantive Rule of the Department EMERGENCY
of Environmental Protection

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-45

This resolve provides for legislative review of portions of Chapter 500: Stormwater Management, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-45)

This amendment authorizes final adoption of portions of Chapter 500: Stormwater Management, a provisionally adopted major substantive rule of the Department of Environmental Protection, only if certain changes are made to the provisionally adopted rule sections on the urban impaired stream standard and the permit shield provision.

Enacted Law Summary

Resolve 2015, chapter 12 authorizes final adoption of portions of Chapter 500: Stormwater Management, a provisionally adopted major substantive rule of the Department of Environmental Protection, only if certain changes are made to the provisionally adopted rule sections on the urban impaired stream standard and the permit shield provision.

Resolve 2015, chapter 12 was finally passed as an emergency measure effective April 29, 2015.

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LD 153 An Act To Amend Setback Requirements and Standards Related to ONTP
Species Migration under the Laws Regulating Development near Vernal
Pools

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

This bill requires the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to adopt rules regarding significant vernal pool habitats to define a fixed radial area of regulation around a vernal pool depression and allow for an alternative directional corridor area of regulation. Use of an alternative directional corridor area would have to be requested by the applicant, who must demonstrate to the Department of Environmental Protection that the use of an alternative directional corridor area would provide habitat protection value equal to or greater than would the fixed radial area of regulation. Department of Environmental Protection rules must specify the regulatory process and standards for obtaining a permit in an alternative directional corridor area.

LD 190 An Act To Add Certain Capital Goods to the Product Stewardship PUBLIC 67
Exclusions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP ONTP	

This bill exempts specialized manufacturing equipment, specialized processing equipment and their components from the laws governing product stewardship.

Enacted Law Summary

Public Law 2015, chapter 67 exempts specialized manufacturing equipment, specialized processing equipment and their components from the laws governing product stewardship.

LD 241 Resolve, Regarding Metallic Mineral Mining Rules of the Department of INDEF PP
Environmental Protection

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J SAVIELLO		

This resolve directs the Department of Environmental Protection to resubmit for legislative review Rule Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection previously provisionally adopted and submitted to the 126th Legislature for review. During the Second Regular Session of the 126th Legislature, the department submitted its provisionally adopted mining rule for legislative review, but the Legislature did not enact into law legislation authorizing final adoption of the rule. This resolve directs that the Legislature review the rule in accordance with the Maine Administrative Procedure Act, but stipulates that the rule may not be finally adopted by the department unless legislation submitted to the 127th Legislature authorizing final adoption becomes law.

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This bill was not referred to a committee.

LD 307 An Act To Amend the Shoreland Zoning Laws To Exempt Certain Walkways and Trails from Setback Requirements

PUBLIC 11

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE FECTEAU	OTP-AM	S-6

This bill exempts the construction of a walkway or trail from certain water and wetland setback requirements if the walkway or trail will be adjacent to a segment of a river located within a downtown revitalization project and the walkway or trail meets other specified requirements.

Committee Amendment "A" (S-6)

This amendment changes the headnote to indicate that the exemption from setback requirements proposed in the bill is available only for walkways and trails over rivers within a downtown revitalization project. The amendment also extends the exemption to privately owned walkways or trails.

Enacted Law Summary

Public Law 2015, chapter 11 exempts the construction of a walkway or trail from certain water and wetland setback requirements if the walkway or trail will be adjacent to a segment of a river located within a downtown revitalization project and the walkway or trail meets other specified requirements.

LD 313 An Act To Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R SAVIELLO		

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to implement recommendations from the Department of Environmental Protection relating to solid waste handling, management and disposal issues identified in a letter dated March 24, 2014 to the department from the Joint Standing Committee on Environment and Natural Resources. Specifically, this bill would enact measures designed to:

1. Provide incentives for and encourage the increased use of methods of source reduction, reuse, recycling and composting as a means of achieving the state-mandated recycling goal of 50 percent under the Maine Revised Statutes, Title 38, section 2132, together with a method for accurately measuring future achievements toward that goal;
2. Achieve economic stabilization of the three existing waste-to-energy facilities in the State by January 1, 2016, with options for funding that stabilization;
3. Develop a plan to minimize the need for future expansion of landfill capacity in Maine, including state-owned landfills;
4. Identify additional strategies to increase the beneficial use of waste materials, particularly where there are potential economic benefits to be derived from these materials; and
5. Develop other components of an overall comprehensive implementation plan necessary and appropriate to better

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advance the goals of the State's solid waste management hierarchy under Title 38, section 2101.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 325 An Act To Strengthen Recycling of Single-use Plastic Shopping Bags

**Accepted Minority
(ONTP) Report**

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

This bill requires a retailer to assess a 5¢ surcharge for a plastic bag designed for one-time use distributed to a customer at the point of retail sale. A retailer retains 2¢ from the surcharge for administrative costs. The revenues from the plastic bag surcharge are credited to the Plastics Recycling Fund administered by the Department of Environmental Protection for the purpose of promoting recycling efforts related to plastics. A retailer may provide recyclable paper bags to bag products at the point of sale. A retailer must provide reusable bags for purchase by a customer.

Committee Amendment "A" (H-83)

This amendment, which is the majority report of the committee, replaces the bill and changes the title. It prohibits a retailer from using plastic bags to bag products at the point of retail sale or otherwise make plastic bags available to customers, with exceptions for certain types of plastic bags. This prohibition is effective September 1, 2020. A retailer may provide recyclable paper bags to bag products at the point of sale and must provide reusable bags for purchase by a customer. The amendment also makes changes to existing law regarding retailer collection and recycling of used plastic bags to ensure consistency with the implementation of the plastic bag prohibition.

**LD 352 Resolve, Regarding Legislative Review of Portions of Chapter 119:
Motor Vehicle Fuel Volatility Limit, a Major Substantive Rule of the
Department of Environmental Protection**

**RESOLVE 10
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 119: Motor Vehicle Fuel Volatility Limit, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2015, chapter 10 authorizes final adoption of portions of Chapter 119: Motor Vehicle Fuel Volatility Limit, a major substantive rule of the Department of Environmental Protection.

Resolve 2015, chapter 10 was finally passed as an emergency measure effective April 16, 2015.

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LD 394 Resolve, To Lower the Department of Environmental Protection's CARRIED OVER
5-point Odor Intensity Referencing Scale for Odor Control at Solid
Waste Processing Facilities

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE CUSHING		

This resolve directs the Department of Environmental Protection to amend its Chapter 409 rules in effect on July 27, 2014 relating to the operation of solid waste processing facilities to decrease by 50 percent the existing concentration levels in water of n-butanol corresponding to each level within the modified five-point odor intensity referencing scale for use in odor control for facilities that process wastewater treatment sludge from publicly owned treatment works and facilities that process septage.

This resolve was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 395 An Act To Clarify Storm Water Management Standards for Expansions PUBLIC 34
of Existing Projects

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J	OTP-AM	H-46

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the site location of development laws, as set forth in the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 6, to provide that any surface water generated by an expansion project and any new or existing system through which that water flows must comply with the surface water regulatory standards in effect at the time the expansion application is filed if:

1. A development is being expanded and the existing, original development was permitted by a municipality, did not require a permit under the site location of development laws and is being expanded in a manner that triggers the need for a permit; or
2. A development is being expanded and an expansion of the development was previously permitted under the site location of development laws.

If the criteria are not met and as long as a development complied with the applicable standards at the time the existing, original development was created, the surface water generated by the existing, original development and the systems through which that water flows do not need to comply with the regulatory standards in effect at the time the expansion application is filed.

Committee Amendment "A" (H-46)

This amendment replaces the bill, changing the bill title and providing an exemption from current storm water management standards for the existing portion of a project that is expanded as long as the existing portion met all applicable state and municipal standards for storm water management in effect at the time the existing portion was constructed. This exemption does not apply to an existing project that is expanded if the existing storm water management system will be used, in whole or in part, to treat storm water flowing from the expanded portion of the existing project; the expanded portion of the existing project; or a redevelopment project.

Enacted Law Summary

Public Law 2015, chapter 34 provides an exemption from current storm water management standards for the

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existing portion of a project that is expanded as long as the existing portion met all applicable state and municipal standards for storm water management in effect at the time the existing portion was constructed. This exemption does not apply to an existing project that is expanded if the existing storm water management system will be used, in whole or in part, to treat storm water flowing from the expanded portion of the existing project; the expanded portion of the existing project; or a redevelopment project.

LD 396 An Act To Encourage the Use of Alternatives to Single-use Plastic Disposable Bags ONTP

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

This bill requires a retailer to assess a 5¢ fee for a single-use plastic disposable bag distributed to a customer at the point of retail sale. The retailer retains 1¢ from each 5¢ fee for administrative costs and may elect to retain an additional 1¢ from each 5¢ fee to provide a carryout program that credits a customer no less than 5¢ for each bag provided by the customer at the point of retail sale for packaging purchases. The revenues from the fee, less the portion retained by the retailer for administrative costs and, if applicable, the carryout program, are credited to the Plastics Recycling Fund administered by the Department of Environmental Protection for the purpose of promoting recycling efforts in the State related to plastics. A retailer may provide recyclable paper products at the point of sale and must provide reusable bags for purchase by a customer. This bill authorizes the Department of Environmental Protection to enforce these laws and impose penalties for violations. This bill also directs that, by January 1, 2016, the Department of Environmental Protection must conduct a public information campaign relating to plastics and their impact on the environment and must implement an outreach campaign aimed at providing reusable bags to residents of the State, especially to elderly and low-income households.

LD 397 An Act Regarding the Packaging and Labeling of Disposable Cleaning and Personal Hygiene Products Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER BREEN	ONTP OTP	

This bill provides that, effective January 1, 2016, a person may not package or label a disposable cleaning or personal hygiene product for distribution or sale in the State in a package or with a label that states the product is flushable and safe for sewer and septic systems unless the package or label states in a highly visible manner that the product is flushable and safe for sewer and septic systems; the person makes available to the Department of Environmental Protection and maintains written documentation of testing substantiating that the product meets the acceptance criteria for flushability as published in the Guidance Document for Assessing the Flushability of Nonwoven Consumer Products, published by the Association of the Nonwoven Fabrics Industry on June 1, 2013; and this testing has been performed by a laboratory that is capable of performing and qualified to perform the testing. The bill also provides that a person may not package or label a disposable cleaning or personal hygiene product for distribution or sale in the State that is not flushable or safe for sewer and septic systems unless the package or label on the product states in a highly visible manner that the product is not flushable or safe for sewer or septic systems. These requirements do not apply to a wholesaler or retailer that distributes or sells but does not package or label disposable cleaning or personal hygiene products or to liquid, gel or powder cleaning products or septic treatment products. The bill directs the department to adopt rules to implement these provisions.

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**LD 442 An Act To Clarify Municipal Capacity for Site Location of Development
and Encourage Local Development**

PUBLIC 28

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

Current law allows a municipality with capacity to review and approve applications for new developments that trigger the site location of development laws, as well as modifications to developments that were initially reviewed and approved by that municipality. The law, however, does not allow a municipality with capacity to review and approve modifications to a development that was initially reviewed and approved by the Department of Environmental Protection. This bill allows a municipality with capacity to review and approve modifications to an existing development that was initially reviewed and approved by the department.

Enacted Law Summary

Public Law 2015, chapter 28 amends the site location of development laws to allow a municipality with capacity to review and approve modifications to an existing development that was initially reviewed and approved by the Department of Environmental Protection.

LD 467 An Act To Change the Borders of the Saco River Corridor

ONTP

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

This bill reduces the size of the Saco River Corridor. Under current law, the corridor includes lands adjacent to the rivers within the corridor to a distance of 500 feet from the high water line of the rivers or the edge of the floodplain if that extends beyond 500 feet, up to a maximum of 1,000 feet. The bill changes the distance to 250 feet from the high water line or to the edge of the floodplain if that extends beyond 250 feet, up to a maximum of 250 feet.

**LD 468 An Act To Prohibit the Use of Certain Disposable or Polystyrene Food
Service Containers**

**Accepted Majority
(ONTP) Report**

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

Beginning January 1, 2016, this bill prohibits the sale or distribution, at retail or wholesale, in the State of disposable food service containers composed in whole or in part of polystyrene foam, as well as disposable food service containers that are not recyclable or compostable unless there is no recyclable or compostable product available at a comparable cost. This bill requires the Department of Environmental Protection to adopt rules to implement these statutory provisions.

Committee Amendment "A" (H-187)

This amendment, which is the minority report of the committee, amends the bill as follows:

1. It amends the definition of "compostable" to remove the phrase "at a rate consistent with other materials that undergo degradation by biological processes;"

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- 2. It amends the definition of "disposable food service container" to provide a cross-reference for the term "prepared food" and to clarify that "disposable food service container" does not include items composed entirely of paper or aluminum and does not include polystyrene foam coolers and ice chests that are intended for reuse or for the shipping or transportation of prepared food; and
- 3. It provides that the prohibition in the bill does not apply to the use of disposable food service containers necessary for compliance with applicable state or federal food safety laws, rules or regulations.

LD 551 An Act To Provide Incentives for Implementation of Municipal Comprehensive Plans To Prevent Sprawl

Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R SAVIELLO		

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to provide incentives to municipalities that implement comprehensive plans to prevent sprawl.

LD 568 An Act To Protect Maine Lakes

PUBLIC 75

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN BREEN	OTP-AM	H-66

This bill amends the laws governing the Lakes Assessment and Protection Program. It also creates a prohibition on the application of fertilizers within 25 feet of the normal high-water line of a great pond, with exceptions for persons involved in agriculture.

Committee Amendment "A" (H-66)

This amendment replaces the bill and creates a prohibition on the application of fertilizers containing phosphorus or nitrogen within 25 feet of the normal high-water line of a great pond, except that a person may apply a fertilizer within 25 feet but not closer than 10 feet of the normal high-water line of a great pond using a drop spreader, rotary spreader with a deflector or targeted spray liquid.

Enacted Law Summary

Public Law 2015, chapter 75 creates a prohibition on the application of fertilizers containing phosphorus or nitrogen within 25 feet of the normal high-water line of a great pond, except that a person may apply a fertilizer within 25 feet but not closer than 10 feet of the normal high-water line of a great pond using a drop spreader, rotary spreader with a deflector or targeted spray liquid.

LD 580 An Act To Extend the Funding Period for Landfill Closure Costs

PUBLIC 302

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE SAVIELLO	OTP-AM	H-115

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Under current law, the Department of Environmental Protection pays 75 percent of certain landfill closure costs incurred on or after July 1, 1994 and before December 31, 2015. This bill extends that time period to December 31, 2025.

Committee Amendment "A" (H-115)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-113)

This amendment changes the date by which a license must have been issued for a landfill from September 1, 1989 to January 10, 1990 in order for the Department of Environmental Protection to pay 75 percent of certain closure costs for that landfill. It also adds an appropriations and allocations section.

This amendment was not adopted.

Senate Amendment "B" (S-182)

This amendment provides that a license application for a landfill received on or before September 1, 1989 makes the landfill eligible for payment of 75 percent of certain landfill closure costs by the Department of Environmental Protection. It also adds an appropriations and allocations section.

This amendment was not adopted.

Enacted Law Summary

Public Law 2015, chapter 302 authorizes the Department of Environmental Protection to pay 75 percent of certain landfill closure costs incurred on or after July 1, 1994 and before December 31, 2025.

LD 588 An Act To Revise the Mining Laws

**Leave to Withdraw
Pursuant to Joint
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO CAMPBELL R		

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the laws governing metallic mineral mining.

LD 595 An Act To Reduce Carbon Emissions from Residential Heating

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU WELSH	ONTP	

This bill requires the Department of Environmental Protection to set aside no less than \$200,000 per year of the revenue resulting from the sale of carbon dioxide emissions allowances for the purchase of high-efficiency wood stoves through financial incentives as determined by the department by rule.

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LD 596 An Act To Allow for the Purchase and Use of Specialty Racing Fuel in ONTP
Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING WARD	ONTP	

This bill allows gasoline containing more than half of one percent by volume methyl tertiary butyl ether (MTBE) to be sold for or used by a motor vehicle in a race, as long as the gasoline containing MTBE is sold and distributed in prepackaged drums, pails or other containers.

LD 602 An Act To Amend the Laws Governing the Prohibition on the Sale of Accepted Majority
Motor Fuel Containing Corn-based Ethanol (ONTP) Report

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

Current law provides that the prohibition on the sale of motor fuel containing corn-based ethanol does not take effect until at least 10 other states or a number of states with a collective population of 30,000,000 have enacted laws that prohibit the sale of motor fuel containing corn-based ethanol. This bill amends the law to provide that this prohibition takes effect if at least three other states have enacted laws that prohibit the sale of motor fuel containing corn-based ethanol.

Committee Amendment "A" (H-79)

This amendment, which is the minority report of the committee, provides that the prohibition on the sale of motor fuel containing corn-based ethanol does not take effect until at least three of the other New England states, Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont, have enacted laws that prohibit the sale of motor fuel containing corn-based ethanol.

LD 603 An Act To Achieve Regional Uniformity in Sulfur Standards for Heating PUBLIC 66
Oil

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE MASON	OTP-AM	H-47

This bill delays by six months the implementation of the statewide prohibition on the use of any but ultra low sulfur distillate fuel.

Committee Amendment "A" (H-47)

This amendment replaces the bill, retaining the six-month delay on the implementation of the statewide prohibition on the use of any but ultra low sulfur distillate fuel, but clarifying that the prohibition applies to the importation, distribution and offering for sale, rather than the use, of any but ultra low sulfur distillate fuel. The amendment also incorporates the change in the implementation date and the prohibition language throughout the statutory section.

Enacted Law Summary

Public Law 2015, chapter 66 delays by six months the implementation of the statewide prohibition on the

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importation, distribution or offering for sale of any but ultra low sulfur distillate fuel.

LD 659 Resolve, To Increase Recycling in Maine through Increased Composting and Energy Recovery from Organic Wastes ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH SAVIELLO	ONTP	

This resolve requires the Department of Environmental Protection, with input from stakeholders, to develop a comprehensive strategy to encourage composting and energy recovery from food waste and other organic wastes. It also requires the department to submit the strategy and related recommendations to the Joint Standing Committee on Environment and Natural Resources by January 15, 2016.

LD 680 An Act To Reduce Waste from Disposable Bags Accepted Majority (ONTP) Report

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

This bill requires a retailer to assess a 5¢ fee for a single-use disposable plastic or kraft paper bag distributed to a customer at the point of retail sale. The retailer retains 1¢ from each 5¢ fee for administrative costs and may elect to retain an additional 1¢ from each 5¢ fee to provide a carryout program that credits a customer no less than 5¢ for each bag provided by the customer at the point of retail sale for packaging purchases. The revenues from the fee, less the portion retained by the retailer for administrative costs and, if applicable, the carryout program, are credited to the Plastics and Paper Recycling Fund administered by the Department of Environmental Protection for the purpose of promoting recycling efforts in the State related to plastics and paper. A retailer must provide reusable bags for purchase by customers. This bill authorizes the Department of Environmental Protection to enforce these laws and impose penalties for violations. This bill also directs that, by January 1, 2016, the Department of Environmental Protection must conduct a public information campaign relating to plastics and paper and their impact on the environment and must implement an outreach campaign aimed at providing reusable bags to residents of the State, especially to elderly and low-income households.

Committee Amendment "A" (H-84)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

LD 712 An Act To Increase Organic Waste Recycling in the State ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW SAVIELLO	ONTP	

This bill enacts a statutory provision directing the Department of Environmental Protection to track state, regional, municipal and local organic waste recycling efforts and, as resources allow, to develop, implement and administer programs to encourage or support organic waste recycling in the State. The department is directed to submit by January 15, 2017, and annually thereafter, a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing its findings and any recommendations

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related to organic waste recycling, including any proposed legislation to implement its recommendations. After receiving the report, the committee may report out a bill relating to organic waste recycling. The bill also directs the department to develop, implement and administer an organic waste recycling pilot program. For the pilot program, the department is required to invite as participants at least three municipalities and the Legislative Council and the Department of Administrative and Financial Services, Bureau of General Services. The Department of Environmental Protection is directed to provide technical assistance and may provide financial assistance to each participating entity in developing and implementing an organic waste recycling program. Each participating entity must collect data on and document the amount of organic waste diverted from the waste stream by the program, the related cost savings realized by the participating entity and any problems encountered in implementing the program, and must compile this information into a report for the department. The department is directed to analyze the reports submitted by the participating entities and, by January 15, 2017, submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing the findings of the program and including any recommendations for legislation. This bill also adopts a definition for the term "organic waste."

LD 713 Resolve, To Further Protect Lake Water Quality

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD SAVIELLO		

This resolve directs the Department of Environmental Protection to, as soon as practicable, amend its Rule Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances in effect on the effective date of this resolve to reflect a number of changes, including changes to setbacks for new principal and accessory structures, phosphorus mitigation requirements in conjunction with the expansion of the footprint of a structure within the setback area and requirements for the location of wells within the setback area. The resolve also directs the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding the effectiveness of the department's shoreland zoning rules since January 1, 2005 and to report its findings and any recommendations for legislation to the Joint Standing Committee on Environment and Natural Resources by January 1, 2016. The committee may report out a bill relating to those recommendations to the Second Regular Session of the 127th Legislature.

This resolve was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 727 An Act To Allow the Retrofit of Underground Oil Storage Tanks

PUBLIC 361

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME	OTP-AM	S-48

This bill authorizes the retrofitting of single-walled underground oil storage tanks with secondary containment meeting certain standards.

Committee Amendment "A" (S-48)

This amendment provides that a site assessment of an underground oil storage facility is required when a single-walled underground oil storage tank is retrofitted with secondary containment as authorized in the bill. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Joint Standing Committee on Environment and Natural Resources

Public Law 2015, chapter 361 authorizes the retrofitting of single-walled underground oil storage tanks with secondary containment meeting certain standards.

LD 750 An Act To Allow Regulated Metal Mining in Maine

**Accepted Minority
(ONTP) Report**

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

This bill provides for a moratorium on metallic mineral exploration or mining in the State. It directs the Department of Environmental Protection, by January 1, 2017, to provisionally adopt and submit for legislative review major substantive rules related to the Maine Metallic Mineral Mining Act. These rules must:

1. Include standards necessary to protect the public health and safety and the environment;
2. Comply with all applicable federal environmental laws and standards;
3. Require that all mining areas be left in or returned to a geologically stable condition following remediation and closure;
4. Require the permittee to provide a specific plan for ensuring that all mining areas will be left in or returned to a geologically stable condition following remediation and closure;
5. Require the permittee to demonstrate that the environmental quality and security of the site will be protected through the use of proven technologies and best available practices and require use of these technologies and practices as a permit condition;
6. Require that all remediation costs related to a mining area are paid by the permittee and not by the State;
7. Require that the financial assurance method approved for and the financial assurance amount required for a permittee be determined by an independent third-party expert with a background in mining;
8. Prohibit in situ leaching, heap leaching and block caving;
9. Prohibit the granting of a permit to certain applicants; and
10. Implement a framework for permitting a mining activity that includes several well-defined decision points for the department to conduct additional review of the permitted activities.

The bill provides that the department may not finally adopt the rules unless the Legislature authorizes final adoption. The moratorium remains in effect until the Legislature authorizes final adoption of the department's rules and the department finally adopts those rules. The bill also provides for accompanying major substantive rulemaking by the Maine Land Use Planning Commission regarding certification of mining permit applications.

Committee Amendment "A" (H-272)

This amendment, which is the majority report of the committee, replaces the bill and authorizes final adoption by the Department of Environmental Protection of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a provisionally adopted major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review on January 10, 2014 and that was also submitted to the Legislature for review on January 9, 2015 only if a number of specified changes to the rule are made. The amendment also

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provides for a number of corresponding changes to the Maine Metallic Mineral Mining Act and for rulemaking by the Maine Land Use Planning Commission related to commission certification of metallic mineral mining permit applications as described in the Act.

LD 765 *Resolve, To Develop a Statewide Plan for the Disposal of Household Hazardous Waste* ONTP

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

This resolve directs the Department of Environmental Protection to design a statewide plan for the collection of household hazardous waste and to develop a long-term funding mechanism to support the plan. It directs the department to consider designating regional collection locations for the acceptance of household hazardous waste and to submit a report relating to the plan to the Joint Standing Committee on Environment and Natural Resources by December 2, 2015 and authorizes the committee to report out a bill regarding the subject matter of the department's report.

LD 795 *An Act To Encourage Prudent Development along the Coast or in a Flood Zone by Considering Predictions for Sea Level Rise* CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN GERZOFSKY		

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures that would require sea level model predictions to be taken into account in the design phase of any development project on the coast or in a flood zone if more than 10 percent of the total funding for the project is state funding. "Development project" includes, but is not limited to, the development of buildings, land, walkways, bridges, roads, culverts and piers. The bill also proposes to enact measures to require coordination among state and federal agencies, universities and stakeholders concerning development projects on the coast or in a flood zone that may be affected by sea level rise.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 824 *An Act Regarding Ethanol Motor Fuel* Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR BRAKEY	OTP-AM	H-74

This bill amends the law regarding ethanol-enhanced motor fuel to clarify that a motor fuel distributor, franchisor or refiner may not impose any condition, restriction, agreement or understanding that prohibits or limits the sale, resale, transfer or purchase of conventional, ethanol-free motor fuel products in the State. The bill also directs the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding motor fuel and fuel additives, including, but not limited to, acetaldehyde in ethanol motor fuel. The stakeholder group is directed to study the State's compliance with the federal Clean Air Act Amendments of 1990 with respect to emissions of acetaldehyde produced by the combustion of ethanol motor fuel, and conduct a comprehensive review of the statewide costs associated with the acetaldehyde in ethanol motor fuel, including the corrosive effects of acetaldehyde on small engines, the effects of acetaldehyde on marine resources in the State and the negative impact such effects have on business in the State. The commissioner shall report the stakeholder group's findings to the

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Joint Standing Committee on Environment and Natural Resources by December 1, 2015. The committee may report out a bill to the Second Regular Session of the 127th Legislature.

Committee Amendment "A" (H-74)

This amendment makes a change to a statutory headnote and removes language that makes the statutory provision proposed in the bill apply notwithstanding any provision of law to the contrary. It also removes the requirement in the bill that directs the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding motor fuel and fuel additives.

LD 884 An Act To Amend Laws Concerning Water Quality Standards

ONTP

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

This bill makes the following changes to the laws concerning water quality:

1. It allows the Department of Environmental Protection to issue more than three discharge licenses to allow discharges to Class AA waters for the purpose of assisting in the restoration of Atlantic salmon and returning the waters to a state that is closer to historically natural chemical quality;
2. It allows the Department of Environmental Protection to issue more than three discharge licenses to allow discharges to Class A waters for the purpose of assisting in the restoration of Atlantic salmon and returning the waters to a state that is closer to historically natural chemical quality;
3. It recognizes an alternate name for Beaverdam Brook and Clifford Brook;
4. It recognizes an alternate name for Crooked Stream and that the name of Township 31 Middle Division has been changed to Day Block Township;
5. It clarifies the location of the West Branch of the Narraguagus River;
6. It recognizes an alternate name for Mile Brook;
7. It recognizes that the names of Squa Pan Stream and Squa Pan Lake have been changed to Scopan Stream and Scopan Lake;
8. It clarifies the description of the Class AA waters within the St. John River basin and specifies where the headwaters start;
9. In the law concerning minor drainage areas, which is organized by county, it lists the Town of Winterport under the proper heading of Waldo County;
10. It recognizes that town lines have been redrawn in Casco Bay and that the Class SA area encompassing Jewell Island and other islands, which previously was divided between Portland, Cumberland and Harpswell, is now divided between the towns of Chebeague Island, Harpswell, Long Island and Portland;
11. In the laws concerning classification of waters as estuarine and marine, it corrects a conflict between descriptions of two stream segments and clarifies that the marine classification extends to the head of tide; and
12. It clarifies a description of a line at the mouth of The Basin in Phippsburg.

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**LD 911 An Act Concerning the Review of Certain Projects under the Site
Location of Development Laws**

PUBLIC 190

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR SAVIELLO	OTP-AM	H-271

This bill amends the laws regarding the expedited permitting of grid-scale wind energy development as follows:

1. It creates several new definitions relating to the scenic impact of a wind energy development;
2. It allows for the consideration of cumulative scenic impacts in the permitting of wind energy developments;
3. It adds to the definition of "scenic resource of state or national significance" great ponds that were studied for their value in 1987 or 1989 and that have on them commercial sporting camps established prior to 2007;
4. It allows the Department of Environmental Protection to require a visual impact assessment for wind energy developments located within 15 miles of scenic resources of state or national significance and mandates a visual impact assessment if a generating facility is located within 15 miles of specific scenic resources of state or national significance; and
5. It allows the Department of Environmental Protection to require a visual impact assessment for wind energy developments located beyond 15 miles from scenic resources of state or national significance under certain limited circumstances.

Committee Amendment "A" (H-271)

This amendment replaces the bill and amends the laws regarding the expedited permitting of grid-scale wind energy development as follows:

1. It creates new definitions relating to the scenic impact of a wind energy development project; and
2. It allows for the consideration of cumulative scenic impacts in the permitting of wind energy development projects.

Enacted Law Summary

Public Law 2015, chapter 190 amends the laws regarding the expedited permitting of grid-scale wind energy development as follows:

1. It creates new definitions relating to the scenic impact of a wind energy development project; and
2. It allows for the consideration of cumulative scenic impacts in the permitting of wind energy development projects.

LD 947 An Act To Fund State Efforts To Reduce the Landfilling of Solid Waste

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN BREEN	ONTP	

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This bill, which is a concept draft pursuant to Joint Rule 208, proposes to establish the Maine Solid Waste Reduction Fund and the Maine Solid Waste Reduction Program, administered by the Department of Environmental Protection, to provide grants to assist municipalities in the diversion of solid waste from disposal at solid waste landfills through equipment or infrastructure purchases or the establishment of programs to reduce the need for waste disposal. The bill provides funding for this fund and program through the elimination of certain exemptions from fees for the disposal of solid waste at landfills.

LD 948 An Act To Harmonize Maine's Laws Governing Toxic Chemicals in ONTP
Children's Products with Those of Other States

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON BAKER	ONTP	

This bill amends the laws governing toxic chemicals in children's products to ensure consistency with similar laws enacted in other states. It requires annual reporting of the use of chemicals of high concern in children's products sold in Maine, phased in over a five-year period, with implementing rules adopted by January 1, 2016. It requires the Commissioner of Environmental Protection to designate three priority products that contain a chemical of high concern or a priority chemical by January 1, 2017. The bill also requires the Department of Environmental Protection to adopt, not later than January 1, 2016, a rule designating four phthalates as priority chemicals and requiring manufacturers and distributors of children's products containing those phthalates to report to the department.

LD 1040 An Act To Enhance Funding Opportunities for the Youth Conservation PUBLIC 365
Corps

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-86

This bill creates a statutory program to reduce shoreline erosion and protect lake quality, to be administered by the Department of Environmental Protection. It directs the department to contract with the Lakes Environmental Association for implementation of the program and to use volunteer labor from the Youth Conservation Corps for an eight-week period in the summer of 2016 and the summer of 2017. The scope of the contracted work is to be determined by the amount of outside funds deposited into the Erosion Control Fund from which the department is directed to disburse \$3 from the fund for every \$2 received from the outside source, up to \$150,000 for each year.

Committee Amendment "A" (S-86)

This amendment replaces the bill and creates a statutory program to reduce shoreline erosion and protect lake water quality to be implemented and administered by a private organization contracted with by the Department of Environmental Protection. Under the bill, the department would administer the program. The amendment directs the department to distribute appropriated funds through a competitive bid process to implement and administer the program and stipulates that the contracted private organization must use labor from a youth conservation corps in the summers of 2016 and 2017 to implement erosion control measures and that the contracted organization is allowed to disburse to a youth conservation corps no more than \$1 of state funding for every \$2 in matching funds contributed by that youth conservation corps. The amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2015, chapter 365 creates a statutory program, administered by the Department of Environmental Protection, to reduce shoreline erosion and protect lake water quality to be implemented and administered by a

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private organization contracted with by the department. The department is directed to distribute appropriated funds through a competitive bid process to implement and administer the program, and the contracted private organization must use labor from a youth conservation corps in the summers of 2016 and 2017 to implement erosion control measures and is allowed to disburse to a youth conservation corps no more than \$1 of state funding for every \$2 in matching funds contributed by that youth conservation corps.

LD 1043 An Act To Strengthen the Overboard Discharge Removal Grant Program ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON KUMIEGA	ONTP	

This bill amends the laws regarding the State's contribution to residential overboard discharge replacement projects. Under current law, depending on income level, an individual may apply for a grant for reimbursement of all or a portion of the cost of removing and replacing any overboard discharge, but may be approved for such reimbursement only after project completion. This bill allows the Commissioner of Environmental Protection to approve applications for reimbursement in advance of construction if certain conditions are met and to dedicate the proposed project expenses for reimbursement for a specified period of time. Upon completion of the project and submission of expense documentation, the commissioner is directed to reimburse the individual for the previously applied for and approved eligible project expenses. The bill also provides an appropriation in fiscal years 2015-16 and 2016-17 in the amount of \$200,000 per year to provide grants to reimburse individuals for the cost of removing an overboard discharge under this program.

LD 1044 An Act To Ensure That Collection Facilities Can Participate in the Architectural Paint Stewardship Program PUBLIC 331 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-157

This bill amends the laws governing the stewardship program for architectural paint by amending definitions and enacting requirements for architectural paint collection sites.

Committee Amendment "A" (S-157)

This amendment replaces the bill and amends the laws governing the stewardship program for architectural paint as follows:

1. It amends the definitions of the terms "architectural paint" and "consumer" and adds new definitions for the terms "collection container," "collection site," "conditionally exempt small quantity generator" and "post-consumer paint that is a hazardous waste";
2. It amends the requirements regarding the information to be included in a submitted plan for the establishment of a paint stewardship program;
3. It provides new requirements applicable to participating collection sites under an approved paint stewardship program, including directives on the collection and storage of post-consumer paint, record-keeping by collection sites and acceptance of post-consumer paint that is a hazardous waste;
4. It provides that, except as may otherwise be required by federal law or under an approved paint stewardship program plan, the Department of Environmental Protection may not impose requirements on collection sites that are

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more stringent than the requirements set forth in statute; and

5. It provides that a collection site that uses environmentally sound management practices is not subject to penalties for violation of the department's rules related to post-consumer paint.

The amendment also adds an appropriations and allocations section and an emergency preamble and an emergency clause.

Enacted Law Summary

Public Law 2015, chapter 331 amends the laws governing the stewardship program for architectural paint as follows:

1. It amends the definitions of the terms "architectural paint" and "consumer" and adds new definitions for the terms "collection container," "collection site," "conditionally exempt small quantity generator" and "post-consumer paint that is a hazardous waste;"
2. It amends the requirements regarding the information to be included in a submitted plan for the establishment of a paint stewardship program;
3. It provides new requirements applicable to participating collection sites under an approved paint stewardship program, including directives on the collection and storage of post-consumer paint, record-keeping by collection sites and acceptance of post-consumer paint that is a hazardous waste;
4. It provides that, except as may otherwise be required by federal law or under an approved paint stewardship program plan, the Department of Environmental Protection may not impose requirements on collection sites that are more stringent than the requirements set forth in statute; and
5. It provides that a collection site that uses environmentally sound management practices is not subject to penalties for violation of the department's rules related to post-consumer paint.

Public Law 2015, chapter 331 was enacted as an emergency measure effective July 12, 2015.

LD 1045 An Act To Modify the Laws Regarding the Collection and Recycling of Mercury-added Thermostats

PUBLIC 83

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO MARTIN J	OTP-AM	S-62

This bill amends the laws regarding the collection and recycling of mercury-added thermostats as follows:

1. It adds a definition for the term "contractor";
2. It clarifies that the financial incentive provided for the return of a mercury-added thermostat is to be provided to the contractor or homeowner who removed the thermostat from service;
3. It changes the due date on the annual manufacturer's report to the Department of Environmental Protection from January 30th to April 1st and removes the requirement that the report contain an accounting of administrative costs;
4. It requires contractors to submit annual reports to the department containing information on the contractor and the thermostats removed from service and disposed of during the previous calendar year; and

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5. It repeals at a future date certain portions of the laws regarding the collection and recycling of mercury-added thermostats.

The bill also directs the department to review the financial incentive plan under the laws regarding the collection and recycling of mercury-added thermostats and, by February 15, 2016, submit a report to the Joint Standing Committee on Environment and Natural Resources addressing certain aspects of the plan and, where applicable, recommending legislation to amend the plan or other relevant laws.

Committee Amendment "A" (S-62)

This amendment replaces the bill and amends the laws regarding the collection and recycling of mercury-added thermostats as follows:

1. It retains the provision from the bill that adds a definition for the term "contractor";
2. It clarifies that the financial incentive provided for the return of a mercury-added thermostat is to be provided to any person who returns a mercury-added thermostat to an established recycling collection point; and
3. It retains the provision from the bill that changes the due date on the annual manufacturer's report to the Department of Environmental Protection from January 30th to April 1st and removes the requirement that the report contain an accounting of administrative costs.

The amendment also retains the provision from the bill that directs the department to review the financial incentive plan under the laws regarding the collection and recycling of mercury-added thermostats and, by February 15, 2016, submit a report to the Joint Standing Committee on Environment and Natural Resources addressing certain aspects of the plan and, where applicable, recommending legislation to amend the plan or other relevant laws.

The amendment removes from the bill the provisions that require contractors to submit annual reports to the department containing information on the contractor and the thermostats removed from service and disposed of during the previous calendar year and that repeal at a future date certain portions of the laws regarding the collection and recycling of mercury-added thermostats.

Enacted Law Summary

Public Law 2015, chapter 83 amends the laws regarding the collection and recycling of mercury-added thermostats as follows:

1. It adds a definition for the term "contractor;"
2. It clarifies that the financial incentive provided for the return of a mercury-added thermostat is to be provided to any person who returns a mercury-added thermostat to an established recycling collection point; and
3. It changes the due date on the annual manufacturer's report to the Department of Environmental Protection from January 30th to April 1st and removes the requirement that the report contain an accounting of administrative costs.

Public Law 2015, chapter 83 also directs the department to review the financial incentive plan under the laws regarding the collection and recycling of mercury-added thermostats and, by February 15, 2016, submit a report to the Joint Standing Committee on Environment and Natural Resources addressing certain aspects of the plan and, where applicable, recommending legislation to amend the plan or other relevant laws.

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**LD 1128 An Act To Make Minor Changes and Corrections to Statutes
Administered by the Department of Environmental Protection**

PUBLIC 124

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO WELSH	OTP-AM	S-91

This bill makes changes to various reporting requirements in the environmental protection laws. It eliminates a biennial report to the Legislature by the directors of the Clean Government Initiative and regular reports by the Commissioner of Environmental Protection on the status of licensed discharges and oil spill prevention and control. Instead of requiring the commissioner to report annually to the Legislature on the surface water ambient toxic monitoring program, this bill requires a limited biennial executive summary. It changes a cross-reference to correct the citation. It changes rule-making authority regarding hazardous waste, waste oil and biomedical waste by moving authority from the Board of Environmental Protection to the commissioner.

Committee Amendment "A" (S-91)

This amendment retains the provisions from the bill except as follows:

1. It allows for the submission of an executive summary of the Commissioner of Environmental Protection's report on the surface water ambient toxic monitoring program to the joint standing committees of the Legislature having jurisdiction over natural resources matters and marine resources matters and requires the full report to be published on the Department of Environmental Protection's website and a copy or copies to be provided to the State Librarian and retains the requirements that the report contain the annual work program for the past year and the current year and the results of the dioxin monitoring program;
2. It retains the commissioner's report on the status of licensed discharges but changes the reporting frequency from annual to biennial; and
3. It provides that rule-making authority on the transportation, collection and storage of waste oil and on the registration, design and operation of used oil collection centers for the purposes of the Maine Revised Statutes, Title 38, section 1319-Y remains with the Board of Environmental Protection and is not transferred to the commissioner.

Enacted Law Summary

Public Law 2015, chapter 124 makes changes to various reporting requirements and rule-making authority in the environmental protection laws as follows:

1. It eliminates a biennial report to the Legislature by the directors of the Clean Government Initiative;
2. It changes the reporting frequency on the Commissioner of Environmental Protection's report on the status of licensed discharges from annual to biennial;
3. It allows for the submission of an executive summary of the commissioner's report on the surface water ambient toxic monitoring program to the joint standing committees of the Legislature having jurisdiction over natural resources matters and marine resources matters and requires the full report to be published on the Department of Environmental Protection's website and a copy or copies to be provided to the State Librarian and retains the requirements that the report contain the annual work program for the past year and the current year and the results of the dioxin monitoring program;
4. It eliminates a biennial report to the Legislature by the commissioner on oil spill prevention and control; and

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LD 1208 An Act Concerning Pavement Sealing Products

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY	ONTP OTP	

This bill prohibits the sale and use of coal tar sealant products beginning October 1, 2016.

LD 1244 An Act To Amend Environmental Permitting Standards

PUBLIC 264

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO HANLEY	OTP-AM	S-156 S-227 BREEN

This bill requires the Commissioner of Environmental Protection to issue a decision on an application for an expedited wind energy development within one year of the date the department accepts the application as complete. It repeals procedures related to the review of an application for a grid-scale wind energy development. It provides permitting requirements for small-scale wind energy developments. It requires parties to a water level dispute to attempt to resolve the matter through mediation before the department proceeds with an adjudicatory hearing. It establishes standards for microhydropower projects and requires the department to adopt rules ensuring that a microhydropower project will not have an undue adverse effect on the natural environment and will not violate water quality standards.

Committee Amendment "A" (S-156)

This amendment retains provisions from the bill that repeal procedures related to the review of an application for a grid-scale wind energy development and provide permitting requirements for small-scale wind energy developments. The amendment also retains the provision from the bill that allows the Department of Environmental Protection to charge parties to a water level dispute an appropriate licensing fee sufficient to cover costs incurred in conducting an adjudicatory hearing, but the amendment sets a maximum fee of \$20,000. The amendment removes provisions from the bill that increase the time in which the Commissioner of Environmental Protection is required to issue a decision on an application for an expedited wind energy development from 185 days to one year, that establish standards and criteria for microhydropower projects and that require parties to a water level dispute to attempt to resolve the matter through mediation prior to an adjudicatory hearing.

Senate Amendment "A" To Committee Amendment "A" (S-227)

This amendment amends Committee Amendment "A" to remove the provision allowing the Department of Environmental Protection to charge parties to a water level dispute a licensing fee sufficient to cover costs incurred in conducting an adjudicatory hearing, with a maximum fee of \$20,000. This amendment also amends the laws governing the establishment of water level regimes to provide that after October 1, 2015 but before October 1, 2016 the Commissioner of Environmental Protection may not conduct an adjudicatory hearing for the purpose of or issue an order establishing a water level regime or minimum flow requirements, except that the commissioner may conduct an adjudicatory hearing or issue an order for these purposes on requests or petitions submitted prior to October 1, 2015. All orders establishing a water level regime issued prior to October 1, 2015 remain in effect and enforceable until they expire or are amended or rescinded. This amendment also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill to the Second Regular Session of the 127th Legislature relating to the establishment of water level regimes.

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Enacted Law Summary

Public Law 2015, chapter 264 repeals procedures related to the review of an application for a grid-scale wind energy development and provides permitting requirements for small-scale wind energy developments. It amends the laws governing the establishment of water level regimes to provide that after October 1, 2015 but before October 1, 2016 the Commissioner of Environmental Protection may not conduct an adjudicatory hearing for the purpose of or issue an order establishing a water level regime or minimum flow requirements, except that the commissioner may conduct an adjudicatory hearing or issue an order for these purposes on requests or petitions submitted prior to October 1, 2015. All orders establishing a water level regime issued prior to October 1, 2015 remain in effect and enforceable until they expire or are amended or rescinded. It also authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill to the Second Regular Session of the 127th Legislature relating to the establishment of water level regimes.

LD 1303 An Act To Stabilize and Streamline the Department of Environmental Protection's Ground Water Oil Clean-up Fund and Maine Coastal and Inland Surface Oil Clean-up Fund

**PUBLIC 319
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO WELSH	OTP-AM	S-301

This bill combines current provisions of law related to the Ground Water Oil Clean-up Fund and the Maine Coastal and Inland Surface Oil Clean-up Fund. It streamlines administration of oil clean-up funds and stabilizes funding for clean-up activities. It improves government administration by combining two boards with expertise in oil spill prevention and cleanup and responsibility for fund oversight into one, and it streamlines fee requirements from two separate amounts for each product type into one.

Committee Amendment "A" (S-301)

This amendment adds an emergency preamble and emergency clause and retains all provisions from the bill except as follows:

1. It provides that the balance in the new Maine Ground and Surface Waters Clean-up and Response Fund is limited to \$18,500,000;
2. It provides that unrefined crude oil is not subject to the funding provision for the new Maine Ground and Surface Waters Clean-up and Response Fund that allows for fee increases when the fund balance falls to \$6,000,000 or less;
3. It provides additional specific fee information for reimbursement of fees imposed on transfers out of state;
4. It removes from the bill certain changes to the statutory standard deductible amounts for coverage of clean-up costs and eligible third-party damage costs under the new Maine Ground and Surface Waters Clean-up and Response Fund. It eliminates from the bill the section that transfers from the Board of Environmental Protection to the Clean-up and Response Fund Review Board the authority to adopt rules to determine the standards for assessing an applicant's ability to pay the deductible with respect to the applicant's personal residence; and
5. It amends certain provisions of the bill governing the appointment of members to the Clean-up and Response Fund Review Board.

The amendment also makes necessary changes to statutory cross-references and adds an appropriations and allocations section.

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Enacted Law Summary

Public Law 2015, chapter 319 combines current provisions of law related to the Ground Water Oil Clean-up Fund and the Maine Coastal and Inland Surface Oil Clean-up Fund. It streamlines administration of oil clean-up funds and stabilizes funding for clean-up activities. It improves government administration by combining two boards with expertise in oil spill prevention and cleanup and responsibility for fund oversight into one, and it streamlines fee requirements from two separate amounts for each product type into one.

Public Law 2015, chapter 319 was enacted as an emergency measure effective July 4, 2015.

LD 1359 An Act To Assist Municipalities with the Recycling of Solid Waste by ONTP
Allowing Net Electrical Billing Credits

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

This bill provides that a municipality that operates a program of solid waste reuse, reduction, recycling and composting may send municipal solid waste to a waste-to-energy facility and receive credits on the municipality's electricity bill for the electricity that is generated from the incineration of the municipal solid waste.

LD 1366 An Act To Promote Recycling Program Integration and Efficiencies PUBLIC 166

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO CAMPBELL R	OTP-AM ONTP	S-169

This bill transfers administration of the provisions regarding returnable beverage containers from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection.

Committee Amendment "A" (S-169)

This amendment, which is the majority report of the committee, makes a number of minor corrections to the bill, including the correction of a statutory cross-reference. It also changes a reference to the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection.

Enacted Law Summary

Public Law 2015, chapter 166 transfers administration of the provisions regarding returnable beverage containers from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection.

LD 1427 Resolve, Regarding the Department of Environmental Protection's Rule RESOLVE 22
Chapter 500: Stormwater Management EMERGENCY

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

This resolve is reported out by the Joint Standing Committee on Environment and Natural Resources pursuant to Joint Order S.P. 528. It provides for final adoption by the Department of Environmental Protection of portions of Rule Chapter 500: Stormwater Management, a major substantive rule of the department that was submitted for

Joint Standing Committee on Environment and Natural Resources

legislative review on January 8, 2015 and approved for final adoption by the Legislature pursuant to Resolve 2015, chapter 12, effective April 29, 2015. It corrects an inadvertent omission from Resolve 2015, chapter 12 and provides for final adoption of the rule chapter in accordance with Resolve 2015, chapter 12 as amended by this resolve, as long as final adoption occurs within 60 days of the effective date of this resolve.

Enacted Law Summary

Resolve 2015, chapter 22 provides for final adoption by the Department of Environmental Protection of portions of Rule Chapter 500: Stormwater Management, a major substantive rule of the department that was submitted for legislative review on January 8, 2015 and approved for final adoption by the Legislature pursuant to Resolve 2015, chapter 12, effective April 29, 2015. This resolve corrects an inadvertent omission from Resolve 2015, chapter 12 and provides for final adoption of the rule chapter in accordance with Resolve 2015, chapter 12 as amended by this resolve, as long as final adoption occurs within 60 days of the effective date of this resolve.

Resolve 2015, chapter 22 was finally passed as an emergency measure effective June 9, 2015.

LD 1435 An Act Regarding Ethanol-free Motor Fuel

PUBLIC 143

Sponsor(s)

O'CONNOR

Committee Report

Amendments Adopted

This bill clarifies that a motor fuel distributor, franchisor or refiner may not impose any condition, restriction, agreement or understanding that prohibits or limits the sale, resale, transfer or purchase of conventional, ethanol-free motor fuel products in the State on a prospective basis.

This bill was not referred to a committee.

Enacted Law Summary

Public Law 2015, chapter 143 clarifies that a motor fuel distributor, franchisor or refiner may not impose any condition, restriction, agreement or understanding that prohibits or limits the sale, resale, transfer or purchase of conventional, ethanol-free motor fuel products in the State on a prospective basis.

Joint Standing Committee on Environment and Natural Resources

SUBJECT INDEX

Bottle Redemption Program

Enacted

LD 1366 An Act To Promote Recycling Program Integration and Efficiencies PUBLIC 166

Not Enacted

LD 1204 An Act To Increase Recycling and Composting by Creating the
Maine Recycling Fund ONTP

Coal tar

Not Enacted

LD 1208 An Act Concerning Pavement Sealing Products Majority (ONTP)
Report

Coastal areas

Not Enacted

LD 795 An Act To Encourage Prudent Development along the Coast or in a
Flood Zone by Considering Predictions for Sea Level Rise CARRIED OVER

Department of Environmental Protection

Enacted

LD 1128 An Act To Make Minor Changes and Corrections to Statutes
Administered by the Department of Environmental Protection PUBLIC 124

Energy

Not Enacted

LD 595 An Act To Reduce Carbon Emissions from Residential Heating ONTP

Fuels

Enacted

LD 352 Resolve, Regarding Legislative Review of Portions of Chapter 119:
Motor Vehicle Fuel Volatility Limit, a Major Substantive Rule of the
Department of Environmental Protection RESOLVE 10
EMERGENCY

LD 603 An Act To Achieve Regional Uniformity in Sulfur Standards for
Heating Oil PUBLIC 66

LD 727 An Act To Allow the Retrofit of Underground Oil Storage Tanks PUBLIC 361

LD 1303 An Act To Stabilize and Streamline the Department of Environmental Protection's Ground Water Oil Clean-up Fund and Maine Coastal and Inland Surface Oil Clean-up Fund PUBLIC 319 EMERGENCY

LD 1435 An Act Regarding Ethanol-free Motor Fuel PUBLIC 143

Not Enacted

LD 596 An Act To Allow for the Purchase and Use of Specialty Racing Fuel in Maine ONTP

LD 602 An Act To Amend the Laws Governing the Prohibition on the Sale of Motor Fuel Containing Corn-based Ethanol Majority (ONTP) Report

LD 824 An Act Regarding Ethanol Motor Fuel Veto Sustained

Hazardous Waste

Not Enacted

LD 765 Resolve, To Develop a Statewide Plan for the Disposal of Household Hazardous Waste ONTP

Invasives

Not Enacted

LD 70 An Act To Assist Towns in Eradicating Milfoil and Other Invasive Aquatic Plants and Nuisance Species ONTP

Metallic Mineral Mining

Not Enacted

LD 146 Resolve, Regarding Legislative Review of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a Major Substantive Rule of the Department of Environmental Protection ONTP

LD 241 Resolve, Regarding Metallic Mineral Mining Rules of the Department of Environmental Protection INDEF PP

LD 588 An Act To Revise the Mining Laws Leave to Withdraw

LD 750 An Act To Allow Regulated Metal Mining in Maine Minority (ONTP) Report

Permitting

Enacted

LD 1244 An Act To Amend Environmental Permitting Standards PUBLIC 264

Product Stewardship

Enacted

LD 190 An Act To Add Certain Capital Goods to the Product Stewardship Exclusions PUBLIC 67

LD 1044	An Act To Ensure That Collection Facilities Can Participate in the Architectural Paint Stewardship Program	PUBLIC 331 EMERGENCY
LD 1045	An Act To Modify the Laws Regarding the Collection and Recycling of Mercury-added Thermostats	PUBLIC 83

Shoreland Zoning

Enacted

LD 307	An Act To Amend the Shoreland Zoning Laws To Exempt Certain Walkways and Trails from Setback Requirements	PUBLIC 11
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Not Enacted

LD 467	An Act To Change the Borders of the Saco River Corridor	ONTP
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Significant Wildlife Habitat - Vernal pools

Not Enacted

LD 153	An Act To Amend Setback Requirements and Standards Related to Species Migration under the Laws Regulating Development near Vernal Pools	ONTP
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Site Location of Development

Enacted

LD 442	An Act To Clarify Municipal Capacity for Site Location of Development and Encourage Local Development	PUBLIC 28
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Solid Waste

Enacted

LD 580	An Act To Extend the Funding Period for Landfill Closure Costs	PUBLIC 302
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Not Enacted

LD 105	An Act To Enhance the Competitiveness of Maine's Biomass Facilities by Exempting from Waste Handling Fees Certain Construction and Demolition Debris	ONTP
LD 313	An Act To Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State	CARRIED OVER
LD 325	An Act To Strengthen Recycling of Single-use Plastic Shopping Bags	Minority (ONTP) Report
LD 394	Resolve, To Lower the Department of Environmental Protection's 5-point Odor Intensity Referencing Scale for Odor Control at Solid Waste Processing Facilities	CARRIED OVER
LD 396	An Act To Encourage the Use of Alternatives to Single-use Plastic Disposable Bags	ONTP
LD 468	An Act To Prohibit the Use of Certain Disposable or Polystyrene Food Service Containers	Majority (ONTP) Report

LD 659	Resolve, To Increase Recycling in Maine through Increased Composting and Energy Recovery from Organic Wastes	ONTP
LD 680	An Act To Reduce Waste from Disposable Bags	Majority (ONTP) Report
LD 712	An Act To Increase Organic Waste Recycling in the State	ONTP
LD 947	An Act To Fund State Efforts To Reduce the Landfilling of Solid Waste	ONTP
LD 1194	An Act To Allow Municipalities To Contract with and Dispose of Waste, including Residue, in State-owned Solid Waste Disposal Facilities, as Allowed under a Facility License, To Ensure Compliance with the Solid Waste Management Hierarchy	ONTP
LD 1359	An Act To Assist Municipalities with the Recycling of Solid Waste by Allowing Net Electrical Billing Credits	ONTP

Storm Water

Enacted

LD 147	Resolve, Regarding Legislative Review of Portions of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 12 EMERGENCY
LD 395	An Act To Clarify Storm Water Management Standards for Expansions of Existing Projects	PUBLIC 34
LD 1427	Resolve, Regarding the Department of Environmental Protection's Rule Chapter 500: Stormwater Management	RESOLVE 22 EMERGENCY

Sustainable Development

Not Enacted

LD 551	An Act To Provide Incentives for Implementation of Municipal Comprehensive Plans To Prevent Sprawl	Leave to Withdraw
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Toxic Chemicals

Not Enacted

LD 948	An Act To Harmonize Maine's Laws Governing Toxic Chemicals in Children's Products with Those of Other States	ONTP
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Waste - Other

Enacted

LD 85	An Act To Prohibit Synthetic Plastic Microbeads in Personal Care Products and Over-the-counter Drugs	PUBLIC 4
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Not Enacted

LD 397	An Act Regarding the Packaging and Labeling of Disposable Cleaning and Personal Hygiene Products	Majority (ONTP) Report
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Water Quality

Enacted

LD 568	An Act To Protect Maine Lakes	PUBLIC 75
LD 1040	An Act To Enhance Funding Opportunities for the Youth Conservation Corps	PUBLIC 365

Not Enacted

LD 40	An Act To Protect Maine's Great Ponds	ONTP
LD 713	Resolve, To Further Protect Lake Water Quality	CARRIED OVER
LD 884	An Act To Amend Laws Concerning Water Quality Standards	ONTP
LD 1043	An Act To Strengthen the Overboard Discharge Removal Grant Program	ONTP

Wind Power

Enacted

LD 911	An Act Concerning the Review of Certain Projects under the Site Location of Development Laws	PUBLIC 190
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