

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2017

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Joint Standing Committee on Environment and Natural Resources

**LD 56 An Act To Include 50 Milliliter and Smaller Liquor Bottles in the Laws
Governing Returnable Containers**

PUBLIC 140

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A	OTP-AM OTP-AM	H-107 H-132 TUCKER R

This bill includes 50 milliliter and smaller wine or spirits bottles in the laws governing returnable containers.

Committee Amendment "A" (H-107)

This amendment, which is the majority report of the committee, replaces the bill. The amendment provides that, effective January 1, 2019, 50 milliliter and smaller wine or spirits bottles are included in the laws governing returnable containers and are subject to a refund value of not more than 5¢. The amendment also adds an appropriations and allocations section.

Committee Amendment "B" (H-108)

This amendment, which is the minority report of the committee, replaces the bill, changes the title and increases the penalties for civil violations of the State's littering laws as follows.

1. For a person disposing of 15 pounds or less or 27 cubic feet or less of litter, the minimum fine is increased from \$100 to \$500 and the maximum fine is increased from \$500 to \$1,000. For subsequent violations, the minimum fine is increased from \$500 to \$1,000 and the maximum fine is increased from \$1,000 to \$1,500.
2. For a person disposing of more than 15 pounds or more than 27 cubic feet of litter, the minimum fine is increased from \$500 to \$1,000.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-132)

This amendment removes application of the effective date of January 1, 2019, from the appropriations and allocations section of Committee Amendment "A".

Enacted Law Summary

Public Law 2017, chapter 140 provides that, effective January 1, 2019, 50 milliliter and smaller wine or spirits bottles are included in the laws governing returnable containers and are subject to a refund value of not more than 5¢.

**LD 57 An Act To Reduce Waste by Promoting the Use of Reusable Bags and
Recyclable Food Service Containers**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M VITELLI E	OTP-AM ONTP	H-18

This bill 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 bill also makes changes to existing law regarding retailer

Joint Standing Committee on Environment and Natural Resources

collection and recycling of used plastic bags to ensure consistency with the implementation of the plastic bag prohibition.

Committee Amendment "A" (H-18)

This amendment, which is the majority report of the committee, replaces the bill, changes the title and establishes a new state policy to promote the use of reusable bags and locally recyclable alternatives to disposable polystyrene foam food service containers as a way for consumers to reduce waste caused by disposable plastic bags and disposable polystyrene foam food service containers. To support that policy, the amendment:

1. Establishes goals for municipal adoption of reusable bag ordinances and polystyrene foam food service container ordinances;
2. Facilitates the sharing by the Department of Environmental Protection of information regarding municipally adopted reusable bag ordinances and polystyrene foam food service container ordinances; and
3. Directs the department to submit an annual report, beginning February 15, 2020, to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters that details municipal progress on the goals set forth under this policy and includes any recommendations to further promote the use of reusable bags and locally recyclable alternatives to disposable polystyrene foam food service containers.

The amendment also retains an existing provision of law that provides for the collection and recycling of used plastic bags by retailers but clarifies the responsibilities of the department under that provision.

LD 103 An Act To Prohibit the Use of Certain Disposable Food Service Containers ONTP

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

Beginning January 1, 2018, 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.

LD 160 An Act To Prohibit the Mining of Massive Sulfide Ore Deposits under the Maine Metallic Mineral Mining Act Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE R SAVIELLO T	ONTP OTP-AM	

This bill amends the Maine Metallic Mineral Mining Act to prohibit the Department of Environmental Protection from approving an application for a mining permit if the applicant proposes to mine a metallic mineral ore deposit that contains a massive sulfide ore deposit. The bill defines a "massive sulfide ore deposit" as a metal sulfide ore deposit that, as determined by the Maine Geological Survey, contains in total 1,000,000 tons or more of metallic minerals.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (H-158)

This amendment, which is the minority report of the committee, changes the title of the bill and replaces the bill. It repeals the Maine Metallic Mineral Mining Act and enacts a prohibition on the issuance of a permit, lease or license for or other approval or authorization of the mining of metallic minerals in the State for commercial or industrial purposes.

This amendment was not adopted.

**LD 182 An Act To Protect Firefighters by Establishing a Prohibition on the Sale PUBLIC 311
and Distribution of New Upholstered Furniture Containing Certain
Flame-retardant Chemicals**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W	OTP-AM	H-215
BREEN C	OTP-AM	S-338 SAVIELLO T

This bill prohibits a person from selling or offering for sale or distributing for promotional purposes new upholstered furniture containing more than 0.1% of a flame-retardant chemical or containing more than 0.1% of a mixture that includes flame-retardant chemicals.

Committee Amendment "A" (H-215)

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

1. It delays by one year to January 1, 2019, the proposed sales prohibition on new upholstered furniture containing flame-retardant chemicals;
2. It clarifies that the prohibition applies only to flame-retardant chemicals contained in the fabric or other covering or the cushioning materials of new upholstered furniture;
3. It allows retailers and wholesalers that have acquired new upholstered furniture containing flame-retardant chemicals for sale or distribution in the State prior to the effective date of the prohibition to sell, offer for sale or distribute for promotional purposes that furniture after the effective date of the prohibition; and
4. It clarifies the rule-making authority of the Department of Environmental Protection under the bill. The amendment also adds an appropriations and allocations section for costs to the department associated with the development and implementation of the prohibition program and the coordination of laboratory testing of furniture.

Committee Amendment "B" (H-216)

This amendment, which is the minority report of the committee, replaces the bill and prohibits, effective January 1, 2019, the sale, offering for sale or distribution for promotional purposes in the State new upholstered furniture unless the furniture meets standards for upholstered furniture, developed by the Department of Environmental Protection by rule, that reduce the hazards associated with smoldering ignition. The department shall, by June 1, 2018, develop the standards by rule, which must be consistent with the California Department of Consumer Affairs, Bureau of Electronics and Appliance Repair, Home Furnishings and Thermal Insulation's Technical Bulletin 117-2013.

The amendment also adds an appropriations and allocations section for costs to the Department of Environmental Protection to develop and oversee activities related to the adoption of the prohibition on the sale of new upholstered

Joint Standing Committee on Environment and Natural Resources

furniture that does not meet Department of Environmental Protection standards.

This amendment was not adopted.

Senate Amendment "B" To Committee Amendment "A" (S-338)

This amendment increases the funding provided to the Department of Environmental Protection in fiscal year 2017-18 to provide funding for a full-time Environmental Specialist III position.

This amendment also provides for the transfer of funds from the Medical Use of Marijuana Fund, Other Special Revenue Funds account in the Department of Health and Human Services to the unappropriated surplus of the General Fund.

Enacted Law Summary

Public Law 2017, chapter 311 prohibits a person from selling or offering for sale or distributing for promotional purposes new upholstered furniture containing in its fabric or other covering or in its cushioning materials more than 0.1% of a flame-retardant chemical or containing more than 0.1% of a mixture that includes flame-retardant chemicals. This prohibition takes effect January 1, 2019.

**LD 227 An Act To Exclude Cardboard Beverage Containers from the Laws PUBLIC 10
Governing Returnable Beverage Containers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T BLACK R	OTP-AM	S-4

This bill excludes from the definition of "beverage container" in the laws governing returnable beverage containers a container composed of compressed recycled cardboard with a plastic liner.

Committee Amendment "A" (S-4)

This amendment deletes from the bill the phrase "compressed recycled," thereby providing that all beverage containers composed of cardboard with a plastic liner are excluded from the laws governing returnable beverage containers.

Enacted Law Summary

Public Law 2017, chapter 10 excludes from the definition of "beverage container" in the laws governing returnable beverage containers a container composed of cardboard with a plastic liner.

LD 253 An Act To Repeal the Maine Metallic Mineral Mining Act ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to repeal the Maine Metallic Mineral Mining Act, as contained in the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 9, which was enacted in 2012 under Public Law 2011, chapter 653. In addition to repealing the Maine Metallic Mineral Mining Act, this bill would repeal any other statutory provisions enacted as part of Public Law 2011, chapter 653 and would reenact any statutory provisions that were repealed under that same legislation. This bill would further direct the Department of Environmental Protection and the

Joint Standing Committee on Environment and Natural Resources

Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission to engage in separate rule-making processes to remove any changes to their respective rules that were implemented in accordance with Public Law 2011, chapter 653.

LD 254 An Act To Implement a Moratorium on Metallic Mineral Mining ONTP

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

This bill implements a moratorium on metallic mineral mining in the State by prohibiting the Department of Environmental Protection from issuing a permit to mine under the Maine Metallic Mineral Mining Act.

LD 349 An Act To Facilitate the Recycling of Discarded Mattresses Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM ONTP	S-58

This bill provides for the establishment of a new stewardship program in the State for discarded mattresses. Under the bill, a producer of mattresses, or an organization comprising one or more producers of mattresses, submits a plan for the establishment of a mattress stewardship program to the Commissioner of Environmental Protection for approval. Once approved, a program operates to provide convenient, free statewide collection opportunities for discarded mattresses, and discarded mattresses collected through the program are recycled or otherwise responsibly managed. A program is funded through the imposition of a mattress stewardship assessment, subject to review and approval by the commissioner, which is added to the purchase price of all mattresses sold in the State.

Committee Amendment "A" (S-58)

This amendment, which is the majority report of the committee, replaces the bill, changes the title and applies, starting January 1, 2018 and ending December 31, 2021, a recycling fee of \$5 on each mattress sold at retail in the State. This mattress recycling fee is to be deposited in the Mattress Recycling Grant Fund to support the Mattress Recycling Grant Program, which are both established in the amendment. Revenue in the Mattress Recycling Grant Fund is to be used by the Department of Environmental Protection to provide grants under the Mattress Recycling Grant Program to public and private entities demonstrating that a proposed program, project, initiative or activity is likely to increase the recycling and diversion from disposal of discarded mattresses within a particular community, municipality or region or the State. These provisions are repealed December 31, 2022. The amendment also adds an appropriations and allocations section.

**LD 357 An Act To Increase Penalties for the Discharge of Sewage, Septic Fluids, PUBLIC 49
Garbage, Sanitary Waste or Other Pollutants from Watercraft into
Inland Waters**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J	OTP-AM	H-59

This bill establishes a penalty of not less than \$1,000 for the discharge of waste from watercraft in inland waters or for operating on inland waters a watercraft that has a permanently installed sanitary waste disposal system if it does not have a holding tank to prevent the discharge of sanitary waste into inland waters.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (H-59)

This amendment changes the title, replaces the bill and increases the minimum penalty from not less than \$100 to not less than \$500 for the discharge of sewage, septic fluids, garbage or other pollutants from watercraft into inland waters or for operating on inland waters a watercraft that has a permanently installed sanitary waste disposal system if it does not have a holding tank to prevent the discharge of sanitary waste into inland waters.

Enacted Law Summary

Public Law 2017, chapter 49 increases the minimum penalty from not less than \$100 to not less than \$500 for the discharge of sewage, septic fluids, garbage or other pollutants from watercraft into inland waters or for operating on inland waters a watercraft that has a permanently installed sanitary waste disposal system if it does not have a holding tank to prevent the discharge of sanitary waste into inland waters.

LD 372 An Act To Protect Public Health through Septic Tank Inspections ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L VITELLI E	ONTP	

This bill amends existing law requiring the inspection of a subsurface wastewater disposal system on a property located within the shoreland area of the State that is to be transferred and expands these requirements to apply to the transfer of any property in the State on which a subsurface wastewater disposal system is located. The bill also amends other provisions of the Maine Revised Statutes as necessary to incorporate these changes.

LD 375 An Act To Establish a Carpet Stewardship Program ONTP

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

This bill provides for the establishment of a new stewardship program in the State for discarded carpet. Under the bill, a producer of carpet, or an organization comprising one or more producers of carpet, submits a plan for the establishment of a carpet stewardship program to the Commissioner of Environmental Protection for approval. Once approved, a carpet stewardship program operates to provide convenient, free statewide collection opportunities for discarded carpet, and discarded carpet collected through the program is recycled or otherwise responsibly managed. A program is funded through the imposition of a carpet stewardship assessment, subject to review and approval by the commissioner, which is added to the purchase price of all carpet sold in the State.

LD 385 An Act To Establish a Stewardship Program for Certain Rechargeable Batteries ONTP

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

This bill provides for the establishment of a new stewardship program in the State for discarded nickel-cadmium and small sealed lead-acid rechargeable batteries. Under the bill, a producer of such rechargeable batteries, or an organization comprising one or more producers of such rechargeable batteries, submits a plan for the establishment of a battery stewardship program to the Commissioner of Environmental Protection for approval. Once approved, a

Joint Standing Committee on Environment and Natural Resources

battery stewardship program operates to provide convenient, free statewide collection opportunities for discarded rechargeable batteries covered under the program, and discarded rechargeable batteries collected through the program are recycled or otherwise responsibly managed. This bill also amends existing laws relating to certain rechargeable battery types to avoid statutory conflicts with the new stewardship program for rechargeable batteries.

LD 395 *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

<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 399 *An Act To Revise Maine's Environmental Laws* CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to revise laws governing environmental protection.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 400 *An Act Regarding the Construction or Placement of Decks within the Shoreland Zone* Died Between Houses

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

This bill authorizes municipalities to adopt ordinances that allow the construction or placement of a deck within the setbacks established pursuant to the laws governing shoreland zoning as long as certain requirements are met.

Committee Amendment "A" (H-165)

This amendment, which is the minority report of the committee, replaces the bill, changes the title and allows the construction or placement of a deck within the setbacks established pursuant to the laws governing shoreland zoning as long as certain requirements are met. The amendment also clarifies that the temporary storage of a seasonally used dock within the shoreland zoning setback area is not subject to civil penalties associated with the enforcement of local land use laws or ordinances.

This amendment was not adopted.

Joint Standing Committee on Environment and Natural Resources

LD 450 An Act To Prevent Oil Spills in Casco Bay ONTP

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

This bill amends the regulatory powers of the Board of Environmental Protection to require that rules relating to oil discharge prevention and pollution control for terminals, facilities, refineries, vessels and related equipment adopted under the board's authority must provide, subject to specified exceptions, that all vessels and barges engaged in transfers of oil or oil by-products, including transfers during ship-to-ship bunkering operations, be protected by an oil boom device during those transfers and notify the United States Coast Guard prior to those transfers. The bill also directs the Board of Environmental Protection to amend its existing rules relating to oil discharge prevention and pollution control to reflect these statutory changes.

LD 452 An Act To Remove the Reformulated Gasoline Requirement ONTP

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

This bill repeals the law requiring retailers to sell only reformulated gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox and Lincoln counties and directs the Department of Environmental Protection to amend its rules to agree with the repeal of that law.

LD 469 An Act To Establish a Generally Applicable Regulatory Standard To Address Impacts of Sea Level Change and Increased Storm Surges ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M GRATWICK G	ONTP	

This bill amends the State's coastal management laws to require the Department of Environmental Protection to apply to activities under its jurisdiction a generally applicable regulatory standard that addresses the impacts of sea level change and increased storm surges on coastal resources within the coastal area of the State. The bill directs the department to adopt rules establishing that standard on or before November 1, 2018.

LD 559 An Act To Standardize the Law Concerning Property Transfers and To Protect Water Quality Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G SAVIELLO T	OTP-AM	H-60

This bill extends to inland shoreland areas the requirement that subsurface wastewater disposal systems on property located within a shoreland area be inspected prior to a sale of the property. Currently, that inspection requirement applies only to the sale of property located within a coastal shoreland area.

Committee Amendment "A" (H-60)

Joint Standing Committee on Environment and Natural Resources

This amendment amends the bill by adding an effective date of April 1, 2018.

LD 576 An Act To Amend the Laws Governing Funding for Landfill Closure Costs Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J DUNPHY M	OTP-AM ONTP	S-47

This bill extends the eligibility period for closure costs for a landfill that currently applies only to a landfill licensed on or before September 1, 1989. The bill provides that if a license application for a landfill was received on or before September 1, 1989, and the application was approved by the Commissioner of Environmental Protection within one year of receipt, the landfill is eligible for payment of 75% of certain closure costs by the Department of Environmental Protection.

Committee Amendment "A" (S-47)

This amendment, which is the majority report of the committee, amends the bill by clarifying that the eligibility of a landfill for reimbursement of certain closure and remediation costs under the Maine Revised Statutes, Title 38, section 1310-F is dependent on whether the landfill was issued a license on or before September 1, 1989 or whether the landfill's license application was accepted for processing by the Department of Environmental Protection on or before September 1, 1989, and such license was approved within one year of the date the license application was accepted for processing.

LD 577 An Act Regarding Zero-emissions Vehicles ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to direct the Department of Environmental Protection, in recognition of state goals regarding emissions reductions, to modify rules associated with the sale of zero-emissions vehicles to reflect current market conditions and to identify ways that the State could meet its goals through the procurement of zero-emissions vehicles for state transportation fleets.

LD 580 An Act To Modify the Mining Laws ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact provisions amending the State's mining laws, including, but not limited to, the following.

1. It would amend the laws regarding mining on state lands under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 to prohibit the issuance of a mining lease under that chapter authorizing mining operations located wholly or partially in, on or under designated lands, state historic sites, state parks, public reserved lands,

Joint Standing Committee on Environment and Natural Resources

the Allagash Wilderness Waterway or state-owned wildlife management areas.

2. It would amend the Maine Metallic Mineral Mining Act, referred to in this summary as "the mining act," to prohibit the issuance of a mining permit if any part of a proposed mining operation will be located wholly or partially in, on or under designated lands, state historic sites, state parks, public reserved lands, the Allagash Wilderness Waterway or state-owned wildlife management areas.
3. It would amend the definition of "mining area" under the mining act to clarify that each mining operation or activity must have a defined mining area and it would limit the allowance for groundwater contamination within a mining area under the mining act.
4. It would amend the mining act to prohibit the placement of any mining operation in, on or under a flood plain or a flood hazard area.
5. It would amend the mining act to prohibit the placement of any mining operation in or on a river, stream or brook or in, on or under a great pond or the coastal waters of the State.
6. It would clarify, for the purposes of the mining act, that mining by in situ leaching is prohibited.
7. It would require an applicant for a permit or a permittee under the mining act to provide special financial assurance coverage for a worst-case mining event or failure, with the amount of the coverage to be determined by the Department of Environmental Protection as based on an independent third-party cost estimate paid for by the applicant. Prior to commencing any mining operation or activity under an approved permit, a permittee would be required to fully fund, with cash or cash equivalents, a trust fund in the amount of this special financial assurance coverage.

The bill also proposes to enact a prohibition on metallic mineral mining in the State and to direct a corresponding repeal of all state agency rules relating to metallic mineral mining contingent upon the failure of the Department of Environmental Protection to finally adopt major substantive rules for metallic mineral mining in the State under the mining act on or before August 1, 2018.

LD 604 An Act To Protect Maine's Lakes by Prohibiting the Discharge of Waste from Watercraft ONTP

<u>Sponsor(s)</u> CEBRA R	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This bill enhances the penalty for an intentional or knowing violation of the law prohibiting the discharge of waste from watercraft into the inland waters of the State from a Class E crime to a Class C crime. The bill directs the Department of Inland Fisheries and Wildlife, in consultation with the Department of Environmental Protection, by July 1, 2018, to ensure that signs describing this prohibition against the discharge of waste from watercraft, including the increased penalties for an intentional or knowing violation of the prohibition, are installed at all state boat launch facilities.

LD 628 An Act To Amend the Municipal Subdivision Laws Died Between Houses

<u>Sponsor(s)</u> FREDETTE K	<u>Committee Report</u> ONTP OTP	<u>Amendments Adopted</u>
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Joint Standing Committee on Environment and Natural Resources

This bill amends the law that defines a "subdivision." Current law provides that a subdivision is not created by the transfer of any interest in land to the owners of land abutting that land, unless the intent of the transferor is to avoid the objectives of the law governing subdivisions. The provision, however, qualifies this exclusion and provides that a subdivision is created if the land that was transferred is again transferred within five years to another person without all of the merged land; this bill removes this additional qualification.

**LD 683 An Act To Fund the Maine Solid Waste Diversion Grant Program and ONTP
To Phase Out Certain Containers from the Bottle Redemption Laws**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W CUSHING A	ONTP	

This bill phases out beverage containers 46 ounces and greater in capacity from the bottle redemption laws beginning December 1, 2017. It ends the liability of redemption centers and dealers to consumers for deposits January 1, 2018 and the liability of manufacturers and distributors February 1, 2019. The bill requires manufacturers of certain refillable containers and distributors of certain nonrefillable containers to pay a fee, beginning December 1, 2017, and ending December 1, 2022, at the rate of \$0.005 per beverage container delivered for sale or distribution during any month. All of the revenue from the fee is deposited into the Maine Solid Waste Management Fund for use by the Maine Solid Waste Diversion Grant Program.

LD 684 An Act To Increase Vegetative Buffers in the Shoreland Zone ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L GRATWICK G	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the laws governing shoreland zoning to increase the vegetative buffer requirement from 75 feet to 150 feet for certain areas in the shoreland zone. The bill also proposes to remove provisions in law that grandfather certain parcels of land and that allow smaller vegetative buffers on those parcels.

**LD 685 An Act To Establish the Mining Advisory Panel Accepted Majority
(ONTP) Report**

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

This bill establishes the Mining Advisory Panel, the purpose of which is to design and submit to the Legislature recommendations regarding the establishment of a statutory and regulatory framework for metallic mineral mining in the State. The panel consists of between three and seven members, some of whom must have expertise in the mining of volcanogenic massive sulfide deposits. On or before December 31, 2019, the panel must submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters containing its findings and recommendations, including draft legislation, regarding the establishment of a statutory and regulatory framework for metallic mineral mining. The Mining Advisory Panel is eliminated January 1, 2020.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (H-228)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section to fund the operating and support costs of the Mining Advisory Panel.

This amendment was not adopted.

LD 739 An Act To Improve Beach-cast Seaweed Management for Health, Ecology and Tourism ONTP

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

This bill allows municipalities to remove beach-cast seaweed without having to obtain a permit pursuant to the Natural Resources Protection Act after large storms or tides have deposited large amounts of beach-cast seaweed.

LD 805 An Act To Streamline the Municipal Review Process When Dividing a Structure into 3 or More Dwelling Units and To Amend the Process for Recording Subdivision Variances PUBLIC 104

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N CAMPBELL R	OTP-AM	S-70

This bill amends the laws governing subdivisions. The bill exempts from the law governing subdivisions a division of a structure into three or more dwelling units in a municipality where the project is subject to municipal site plan review. The bill amends the provision concerning when a municipal ordinance may have a definition of "subdivision" that conflicts with state law. The bill removes the authority of a municipality to expand the definition of "subdivision" to include the division of a structure into commercial or industrial units. The bill removes the requirement that variances from subdivision criteria be recorded in the registry of deeds within 90 days after final approval of a subdivision plan, but retains the requirement that the variance be recorded to be valid. The bill repeals provisions under which leased dwelling units are not subject to subdivision review.

Committee Amendment "A" (S-70)

This amendment provides that the exemption in the bill from the subdivision laws for the division of a new or existing structure in a municipality where a project is subject to municipal site plan review takes effect July 1, 2018. The amendment also requires that variances from subdivision criteria be recorded within two years of final subdivision approval; the bill removes a provision in current law requiring such recording within 90 days.

Enacted Law Summary

Public Law 2017, chapter 104 amends the laws governing subdivisions as follows.

1. Effective July 1, 2018, it exempts from the law governing subdivisions a division of a structure into three or more dwelling units in a municipality where the project is subject to municipal site plan review.
2. It amends the provision concerning when a municipal ordinance may have a definition of "subdivision" that conflicts with state law.
3. It removes the authority of a municipality to expand the definition of "subdivision" to include the division of a structure into commercial or industrial units.

Joint Standing Committee on Environment and Natural Resources

- 4. It removes the requirement that variances from subdivision criteria be recorded in the registry of deeds within two years after final approval of a subdivision plan, but retains the requirement that the variance be recorded to be valid.
- 5. It repeals provisions under which leased dwelling units are not subject to subdivision review.

LD 820 An Act To Protect Maine's Clean Water and Taxpayers from Mining PUBLIC 142
Pollution

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B FOLEY R	OTP-AM ONTP	S-73

This bill amends the State's mining laws as follows.

- 1. It prohibits the issuance of a mining lease under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 if the proposed mining operation is to be wholly or partially located in, on or under any designated land, state historic site, state park, public reserved land, submerged land or state-owned wildlife management area or the Allagash Wilderness Waterway. The bill also prohibits the issuance of a mining permit under the Maine Metallic Mineral Mining Act, referred to in this summary as the "Mining Act," if any part of the mining operation will be located wholly or partially in, on or under any of the same state lands.
- 2. It amends the definition of "mining area" under the Mining Act to restrict that definition to an area of land from which earth material is removed in connection with the mining of ore.
- 3. It amends the rule-making authority of the Department of Environmental Protection under the Mining Act to require that any rule or rule change proposed by the department in accordance with its authority under the Mining Act may not be finally adopted by the department unless legislation authorizing final adoption of such rules is enacted into law.
- 4. It prohibits the placement of any mining operation under the Mining Act in, on or under a river, stream or brook, a great pond, a freshwater wetland or a coastal wetland.
- 5. It amends permit approval conditions under the Mining Act relating to discharges causing groundwater contamination by allowing only for limited contamination of groundwater within a mining area that does not result in contamination of groundwater beyond the mining area; contamination of groundwater within the mining area that exceeds certain water quality criteria for pollutants; contamination of groundwater within the mining area that exceeds a specified level determined by the department based on site-specific geologic and hydrologic characteristics and in accordance with standards established by rule that are designed to minimize pollution from mining operations; or any violation of surface water quality standards.
- 6. It prohibits the placement of any mining operation under the Mining Act in, on or under a flood plain or a flood hazard area.
- 7. It requires an applicant for a permit or a permittee under the Mining Act to provide special financial assurance coverage for a worst-case catastrophic mining event or failure.
- 8. It requires the department, on or before January 12, 2018, to provisionally adopt and submit to the Legislature for review major substantive rules relating to the Mining Act.

Committee Amendment "A" (S-73)

Joint Standing Committee on Environment and Natural Resources

This amendment, which is the majority report of the committee, replaces the bill and amends the State's mining laws as follows.

1. It prohibits the issuance of a mining lease under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 if the proposed mining operation is to be wholly or partially located in, on or under any designated land, state historic site, state park, public reserved land, submerged land or state-owned wildlife management area or the Allagash Wilderness Waterway. The amendment also prohibits the issuance of a mining permit under the Mining Act if any part of the mining operation will be located wholly or partially in, on or under any of the same state lands.
2. It adds to the Mining Act definitions for the terms "dry stack tailings management," "mine shaft," "mine waste," "mine waste unit," "open-pit mining" and "wet mine waste unit," and it amends the existing definition for the term "tailings impoundment."
3. It amends the rule-making authority of the Department of Environmental Protection under the Mining Act to require that any rule or rule change proposed by the department in accordance with its authority under the Mining Act may not be finally adopted by the department unless legislation authorizing final adoption of such rules is enacted into law.
4. It amends permit approval conditions under the Mining Act relating to discharges causing groundwater contamination by allowing only for limited contamination of groundwater within a mining area that does not result in contamination of groundwater beyond the mining area; contamination of groundwater within the mining area that exceeds certain water quality criteria for pollutants; contamination of groundwater within the mining area due to pH or metals that exceeds limits set forth in the mining permit based on site-specific geologic and hydrologic characteristics; any violation of surface water quality standards; or, if groundwater or surface water quality within the mining area prior to the commencement of mining activity exceeds applicable water quality standards, further degradation of such groundwater or surface water quality. The amendment also provides a narrow definition of the term "mining area" applicable only to this provision on discharges causing groundwater contamination.
5. It prohibits the placement of mining operations under the Mining Act involving the removal of metallic minerals, the storage of metallic minerals or mine waste, the processing of metallic minerals or the treatment of mine waste in or on a flood plain or a flood hazard area.
6. It prohibits the removal of metallic minerals in, on or from a river, stream or brook, a great pond, a freshwater wetland or a coastal wetland.
7. It prohibits the placement of a mine shaft in, on or under a significant or outstanding river segment, an outstanding river, a high or moderate value waterfowl and wading bird habitat, a great pond or a coastal wetland.
8. It requires the use of dry stack tailings management and prohibits the use of wet mine waste units or tailings impoundments for the management of mine waste and tailings.
9. It prohibits open-pit mining.
10. It clarifies the financial assurance provisions in the Mining Act and requires an applicant for a permit or a permittee under the Mining Act to provide special financial assurance coverage for a worst-case catastrophic mining event or failure.
11. It authorizes, subject to the incorporation of specified amendments, final adoption of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A on January 13, 2017.

Joint Standing Committee on Environment and Natural Resources

12. It clarifies the rule-making authority of the Maine Land Use Planning Commission under the Mining Act and directs the commission, by July 1, 2018, to adopt rules related to commission certification of metallic mineral mining permit applications under the Mining Act. Those rules are routine technical rules.

Enacted Law Summary

Public Law 2017, chapter 142 amends the State's mining laws as follows.

1. It prohibits the issuance of a mining lease under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 if the proposed mining operation is to be wholly or partially located in, on or under any designated land, state historic site, state park, public reserved land, submerged land or state-owned wildlife management area or the Allagash Wilderness Waterway. The law also prohibits the issuance of a mining permit under the Mining Act if any part of the mining operation will be located wholly or partially in, on or under any of the same state lands.

2. It adds to the Mining Act definitions for the terms "dry stack tailings management," "mine shaft," "mine waste," "mine waste unit," "open-pit mining" and "wet mine waste unit," and it amends the existing definition for the term "tailings impoundment."

3. It amends the rule-making authority of the Department of Environmental Protection under the Mining Act to require that any rule or rule change proposed by the department in accordance with its authority under the Mining Act may not be finally adopted by the department unless legislation authorizing final adoption of such rules is enacted into law.

4. It amends permit approval conditions under the Mining Act relating to discharges causing groundwater contamination by allowing only for limited contamination of groundwater within a mining area that does not result in contamination of groundwater beyond the mining area; contamination of groundwater within the mining area that exceeds certain water quality criteria for pollutants; contamination of groundwater within the mining area due to pH or metals that exceeds limits set forth in the mining permit based on site-specific geologic and hydrologic characteristics; any violation of surface water quality standards; or, if groundwater or surface water quality within the mining area prior to the commencement of mining activity exceeds applicable water quality standards, further degradation of such groundwater or surface water quality. The law also provides a narrow definition of the term "mining area" applicable only to this provision on discharges causing groundwater contamination.

5. It prohibits the placement of mining operations under the Mining Act involving the removal of metallic minerals, the storage of metallic minerals or mine waste, the processing of metallic minerals or the treatment of mine waste in or on a flood plain or a flood hazard area.

6. It prohibits the removal of metallic minerals in, on or from a river, stream or brook, a great pond, a freshwater wetland or a coastal wetland.

7. It prohibits the placement of a mine shaft in, on or under a significant or outstanding river segment, an outstanding river, a high or moderate value waterfowl and wading bird habitat, a great pond or a coastal wetland.

8. It requires the use of dry stack tailings management and prohibits the use of wet mine waste units or tailings impoundments for the management of mine waste and tailings.

9. It prohibits open-pit mining.

10. It clarifies the financial assurance provisions in the Mining Act and requires an applicant for a permit or a permittee under the Mining Act to provide special financial assurance coverage for a worst-case catastrophic mining event or failure.

Joint Standing Committee on Environment and Natural Resources

11. It authorizes, subject to the incorporation of specified amendments, final adoption of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A on January 13, 2017.

12. It clarifies the rule-making authority of the Maine Land Use Planning Commission under the Mining Act and directs the commission, by July 1, 2018, to adopt rules related to commission certification of metallic mineral mining permit applications under the Mining Act. Those rules are routine technical rules.

LD 867 An Act To Mitigate the Spread of Invasive Milfoil in Wilson Stream ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ACKLEY K BELLOWS S	ONTP	

This bill provides \$15,000 to the Town of Monmouth for the construction of a gate with an electronic locking mechanism to restrict motor vehicle access at the public access point to Wilson Stream. The bill also requires the town to record an educational voice message that explains the dangers of invasive milfoil and how to obtain the code to unlock the gate. This message must be made available by telephone.

LD 881 An Act To Increase Wastewater Management Responsibility by Licensing Certain Municipal Sewage Collection Systems ONTP

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

This bill requires municipal satellite collection systems to be licensed by the Department of Environmental Protection as subpermittees under the licenses of publicly owned treatment works. It requires the department to issue a license to a municipal satellite collection system if the municipal satellite collection system meets operation and maintenance standards established in rules adopted by the department.

LD 894 An Act To Increase Funding for the Youth Conservation Corps ONTP

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

This bill increases funding beginning in fiscal year 2018-19 for the program established by the 127th Legislature 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. The bill directs the department for the years 2018 and 2019 to distribute appropriated funds for the program through a competitive bid process and requires the contracted private organization to use labor from a youth conservation corps in the summers of 2018 and 2019 to implement erosion control measures. It provides 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.

Joint Standing Committee on Environment and Natural Resources

LD 901 An Act To Amend the Laws Governing the Determination of a Wind Energy Development's Effect on the Scenic Character of Maine's Special Places

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR T SAVIELLO T	OTP-AM OTP-AM	H-213

This bill repeals and replaces the current law regarding when a visual impact assessment is required for an expedited wind energy development. The bill provides that a visual impact assessment is required if portions of a wind energy development's generating facilities are located within eight miles from a scenic resource of state or national significance, except that for certain specified scenic resources of state or national significance, a visual assessment is required if a development's generating facilities are located within 15 miles from the scenic resource of state or national significance. The bill also amends the definition of "viewshed of a scenic resource of state or national significance" for those same specified scenic resources.

Committee Amendment "A" (H-213)

This amendment, which is the majority report of the committee, replaces the bill and amends current law regarding when a visual impact assessment is required for an expedited wind energy development by requiring a visual impact assessment if portions of a wind energy development's generating facilities are located within eight miles of a scenic resource of state or national significance. It also requires all rules adopted under the laws regarding expedited permitting of grid-scale wind energy development on or after the effective date of the Act to be major substantive rules.

Committee Amendment "B" (H-214)

This amendment, which is the minority report of the committee, replaces the bill and amends current law regarding when a visual impact assessment is required for an expedited wind energy development by requiring a visual impact assessment if portions of a wind energy development's generating facilities are located within 12 miles of a scenic resource of state or national significance. It also requires all rules adopted under the laws regarding expedited permitting of grid-scale wind energy development on or after the effective date of the Act to be major substantive rules.

This amendment was not adopted.

LD 930 An Act To Protect Maine Families by Enhancing Well Water Regulation

ONTP

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

This bill requires all private wells used to provide water for human consumption to be tested for basic pollutants in accordance with rules adopted by the Department of Environmental Protection. The wells are required to be tested at least once every five years, and all new wells created after July 1, 2018 are required to be tested. All fees are waived for testing a well within an area in which there is a known environmental hazard or dispersal of pollutants that may contaminate the well.

The Department of Environmental Protection is required to determine the costs of implementing this legislation and, in consultation with the Public Utilities Commission and the Efficiency Maine Trust, identify appropriate funding sources to pay those costs. The department is required to submit its findings and recommendations to the Joint

Joint Standing Committee on Environment and Natural Resources

Standing Committee on Appropriations and Financial Affairs by January 15, 2018.

LD 931 An Act To Create Extended Producer Responsibility for Post-consumer Waste Generated from the Use of Tobacco Products ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L CHIPMAN B	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a system under which producers of tobacco products develop, finance and implement stewardship programs to collect, transport, process and safely dispose of post-consumer tobacco waste to reduce, prevent and mitigate the environmental effects of the disposal of that waste in the State. Such a system would be designed to:

1. Prohibit tobacco producers or retailers from selling or offering for sale tobacco products in the State unless they are participating in an approved tobacco waste stewardship program;
2. Require a tobacco producer to provide retailers that sell tobacco products information about the producer's tobacco waste stewardship program and information regarding available collection opportunities for post-consumer tobacco product waste. Under the bill, a retailer that sells tobacco products would be required to provide that information to its consumers at the time of sale;
3. Require each tobacco producer to submit a plan for its tobacco waste stewardship program to the State for approval. The plan must:
 - A. Specify educational and outreach activities and materials that promote and increase awareness of the tobacco waste stewardship program, including but not limited to a website and written materials. The outreach materials must identify options for establishing an effective collection system, promote a reduction in the generation of post-consumer tobacco product waste, identify each tobacco producer participating in the program, identify participating brands of tobacco products sold and identify the processors that manage the post-consumer tobacco product waste that is collected;
 - B. Establish and provide for the implementation of goals to reduce the generation of post-consumer tobacco product waste;
 - C. Outline the responsibility for negotiating and executing contracts to collect, transport and process post-consumer tobacco product waste for end-of-product management;
 - D. Describe how the end-of-product management of post-consumer tobacco product waste that is collected under the tobacco waste stewardship program will use environmentally sound management practices that are consistent with state laws and other relevant environmental rules and practices for ultimate disposal;
 - E. Establish a timeline for carrying out an annual assessment of the effectiveness of actions taken under the tobacco waste stewardship program;
 - F. Include an anticipated annual operating budget for the tobacco waste stewardship program; and
 - G. Identify an effective, convenient system for the collection of post-consumer tobacco product waste that ensures sufficient permanent collection sites and provides for collection events in geographically underserved areas;

Joint Standing Committee on Environment and Natural Resources

4. Establish a process for tobacco producers to amend their tobacco waste stewardship programs;
5. Require tobacco producers to submit annual reports, which must include the volume of post-consumer tobacco product waste collected, an independent financial audit, an evaluation of the tobacco waste stewardship program's funding mechanism, an updated budget, samples of educational and outreach materials, documentation of compliance with collection requirements, a description of activities undertaken to achieve the program's goals as provided for in the program plan and identification of proposed changes to the program;
6. Allow the state agency charged with overseeing tobacco waste stewardship programs to develop a pilot project for a tobacco waste stewardship program;
7. Require the state agency charged with overseeing tobacco waste stewardship programs to establish a schedule of fees;
8. Make financial cost, production or sales data and records confidential and establish a process for disclosure of aggregate information;
9. Require the state agency charged with overseeing tobacco waste stewardship programs to publish by municipality, city or county the total weight of post-consumer tobacco product waste collected; and
10. Establish civil penalties for violations.

LD 1003 Resolve, To Require the State's Mitigation Plan under the Volkswagen Mitigation Trust Agreement To Include the Use of Maine-generated Nonfossil Fuel Sources ONTP

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

This resolve requires that the beneficiary mitigation plan developed by the State to mitigate the lifetime nitrogen oxide emissions from noncompliant Volkswagen and Audi diesel vehicles must, to the extent possible, include the use of Maine-generated nonfossil fuel sources.

LD 1040 An Act Regarding Permitting under the Natural Resources Protection Act ONTP

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

This bill amends the Natural Resources Protection Act as follows.

1. It excludes artificial turf from the definition of "impervious area."
2. It amends the definition of "river, stream or brook" to provide that a channel must have all five of the characteristics listed in the definition. Current law requires that a channel must have at least two of the characteristics listed.
3. It amends the definition of "significant groundwater well" to provide that public water systems are not significant groundwater wells.

Joint Standing Committee on Environment and Natural Resources

- 4. It increases from 20,000 to 80,000 square feet the area of aquatic vegetation, emergent marsh vegetation or open water that a freshwater wetland must contain before a person is required to get a permit from the Department of Environmental Protection for activities adjacent to the freshwater wetland.
- 5. It provides that a person is not required to obtain a Natural Resources Protection Act permit from the Department of Environmental Protection for the establishment or operation of a significant groundwater well for a community public water system.
- 6. For determining if an activity unreasonably harms habitats or fisheries, it amends the definition of "mitigation" to provide that the Department of Environmental Protection may not consider whether an adverse impact of an activity can be avoided.
- 7. It amends the notification and comment requirements when a resource is used by a community public water system as a source of water supply.
- 8. It provides that the Department of Environmental Protection may only delegate review authority to the Department of Health and Human Services, Drinking Water Program or to a community public water system when an activity is located within a community public water system primary protection area and the activity does not otherwise require a Department of Environmental Protection permit under the Natural Resources Protection Act. It also removes the requirement to obtain a permit from the Department of Environmental Protection in such cases.
- 9. It includes existing water or sewer lines, culverts and natural gas pipelines in the permit exemption for existing crossings.
- 10. It provides that a replacement of existing public works does not require a Natural Resources Protection Act permit and it provides that the public works exemption applies to outstanding river segments.
- 11. It amends the exemption for activities that alter less than 4,300 square feet of freshwater wetlands.
- 12. It removes state-certified geologists from the list of professionals that may determine whether the integrity of a seawall or similar structure in a coastal sand dune system is destroyed or threatened for purposes of repairing the seawall or structure.
- 13. It amends the activities that are not eligible for Tier 1 or Tier 2 review when altering freshwater wetlands.

**LD 1081 An Act To Amend the Municipal Subdivision Laws Regarding the
Exemption for Transfers to Owners of Abutting Land**

ONTP

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

Current law provides an exemption to the laws governing subdivisions for a division of a tract or parcel of land accomplished by the transfer of any interest in the land to the owners of land abutting that land and removes that exemption if the exempt real estate is transferred within five years to another person without all of the merged land. This bill eliminates the language that provides for the removal of the exemption.

Joint Standing Committee on Environment and Natural Resources

LD 1094 An Act To Amend the Laws Governing the Review of Subdivisions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E CUSHING A	ONTP	

This bill amends the definition of "subdivision" in the laws regarding planning and land use regulation for subdivisions to specify that dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review that is at least as stringent. Current law specifies that leased dwelling units are not subject to subdivision review.

LD 1095 An Act To Establish the Maine Coastal Risks and Hazards Commission

CARRIED OVER

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

This bill establishes the Maine Coastal Risks and Hazards Commission, the purpose of which is to make findings and develop and submit to the Legislature recommendations regarding the actions to be taken by the State to address and prepare for coastal and coastal watershed hazards identified by the commission, including, but not limited to, increased storm surges, extreme precipitation and other extreme weather events, projected sea level rise and increased river flooding and storm water runoff. On or before November 1, 2019, and every five years thereafter, the commission must submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters containing its findings and recommendations, including any draft legislation to address identified coastal and coastal watershed hazards.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1096 An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L BELLOWS S	OTP-AM ONTP	

This bill amends the laws relating to the State's regulation of the shoreland zone as follows.

1. It requires the Department of Economic and Community Development, Office of Community Development to provide both basic and advanced training to code enforcement officers in the technical and legal aspects of code enforcement. Current law only requires that the office provide basic training to code enforcement officers.
2. It increases the maximum per day civil penalty for a specific violation of a municipal land use law or ordinance from \$2,500 to \$5,000 and increases the maximum per day civil penalty for a specific violation of a municipal shoreland zoning ordinance occurring within an area zoned for resource protection from \$5,000 to \$10,000.
3. It provides that municipal shoreland zoning ordinances must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction and postconstruction photographs of the shoreline vegetation and development site.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "A" (H-370)

This amendment, which is the majority report of the committee, changes the title and amends the bill as follows.

1. It strikes the requirement that the Department of Economic and Community Development, Office of Community Development provide advanced training to code enforcement officers.
2. It strikes the proposed increases in the maximum per day civil penalty for specific violations of certain municipal land use laws or ordinances.
3. It retains the provision that municipal shoreland zoning ordinances must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction and postconstruction photographs of the shoreline vegetation and development site.

The fiscal note on this amendment identifies as a potential state mandate certain requirements in the amendment relating to photographic records of developments within the shoreland zone. To be considered a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The members of the committee voting for this report find that the provisions identified in the fiscal note as a potential mandate do not require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue.

This amendment was not adopted.

LD 1178 An Act To Better Understand and Control Invasive Aquatic Plants and Nuisance Species ONTP

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

This bill temporarily increases by \$1 the annual fee for the lake and river protection sticker required under the Maine Revised Statutes, Title 12, section 13058. The bill requires a study of the State's efforts to prevent the infestation of, to control, to eradicate and to otherwise manage invasive aquatic plants and nuisance species in the waters of the State through the program implemented under Title 38, chapter 20-A. The revenue from the temporary fee increase may be used to fund this study. The bill directs the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife, in cooperation with the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species, to facilitate this study, which must, among other things, identify the additional amount of funding, if any, necessary to ensure the long-term viability and success of the statutory program as well as recommendations for acquiring that additional amount of funding.

On or before January 15, 2018, the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife jointly are required to submit a report to the Joint Standing Committee on Environment and Natural Resources and the Joint Standing Committee on Inland Fisheries and Wildlife detailing the findings and recommendations of the study, including any draft legislation, and the Joint Standing Committee on Environment and Natural Resources, in consultation with the Joint Standing Committee on Inland Fisheries and Wildlife, may report out a bill relating to the report to the Second Regular Session of the 128th Legislature.

Joint Standing Committee on Environment and Natural Resources

LD 1194 Resolve, Establishing the Commission To Study and Assess Maine's Regulatory Environment ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE J DION M	ONTP	

This resolve creates the Commission To Study and Assess Maine's Regulatory Environment. The commission is required to submit its report with its recommendations and including suggested legislation to the Joint Standing Committee on Environment and Natural Resources by December 6, 2017.

LD 1235 An Act Concerning Pavement Sealing Products Accepted Majority (ONTP) Report

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

This bill prohibits the sale of coal tar sealant products beginning October 1, 2019, and prohibits the application of coal tar sealant products on driveways or parking areas beginning October 1, 2020. The Commissioner of Environmental Protection may grant an exemption from the prohibitions for research or development purposes.

Committee Amendment "A" (H-166)

This amendment, which is the minority report of the committee, extends by one year the implementation dates for the prohibitions in the bill on the sale of coal tar sealant products and the application of coal tar sealant products and makes a minor technical correction to the bill.

This amendment was not adopted.

LD 1258 An Act To Modernize the Voluntary Response Action Program Funding Process PUBLIC 92

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J	OTP-AM	S-76

This bill simplifies the fee charged for assistance from the Department of Environmental Protection in submitting a voluntary response action plan by basing the fee on 2% of the assessed value of the property.

Committee Amendment "A" (S-76)

This amendment amends the bill by basing the fee charged for assistance from the Department of Environmental Protection in submitting a voluntary response action plan on 1% of the assessed property value. The amendment also caps the fee at \$15,000 and adds a delayed effective date of January 1, 2018.

Enacted Law Summary

Public Law 2017, chapter 92 simplifies the fee charged for assistance from the Department of Environmental Protection in submitting a voluntary response action plan by basing the fee on 1% of the assessed value of the property, capped at \$15,000. This law takes effect January 1, 2018.

Joint Standing Committee on Environment and Natural Resources

LD 1298 An Act To Update Maine's Water Quality Standards

CARRIED OVER

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

This bill updates Maine's water quality standards by aligning state law with the federal Clean Water Act regarding pesticide application to control invasive plants and mosquito-borne disease and authorizing the Department of Environmental Protection to use an alternative low-flow requirement when assessing the impact of nutrients on water quality, contingent upon the department's adopting nutrient rules.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1350 An Act To Amend the Law Regarding Recreational Gold Prospecting

Accepted Majority (ONTP) Report

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

This bill amends the law governing recreational gold prospecting. The bill establishes different classes of recreational gold prospecting based on the equipment used and establishes different requirements for each class.

LD 1453 An Act To Regulate Hydraulic Fracturing To Prevent Threats to Maine's Drinking Water

Accepted Majority (ONTP) Report

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

This bill requires the Department of Environmental Protection to provisionally adopt major substantive rules by December 31, 2017, regulating hydraulic fracturing in order to prevent threats to drinking water resources from hydraulic fracturing.

Committee Amendment "A" (H-212)

This amendment, which is the minority report of the committee, changes the title, removes the emergency preamble and clause and replaces the bill. It prohibits hydraulic fracturing in the State and prohibits the transportation of hydraulic fracturing wastewater, waste products or by-products into the State for the purpose of treatment, discharge, disposal or storage.

This amendment was not adopted.

Joint Standing Committee on Environment and Natural Resources

**LD 1473 An Act To Make Minor Changes and Corrections to Statutes
Administered by the Department of Environmental Protection**

PUBLIC 137

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

This bill clarifies the Department of Environmental Protection's right of inspection in reaction to recent litigation. It further clarifies the jurisdiction of the department and the Board of Environmental Protection in the laws regulating discharges into the waters of the State. It also clarifies the names of various bodies of water. The bill updates federal publication references and allows collector systems to be included in state grants for pollution abatement. It increases the limit on the alcohol volume allowed in hard cider in the beverage container laws.

Enacted Law Summary

Public Law 2017, chapter 137 clarifies the Department of Environmental Protection's right of inspection in reaction to recent litigation. It further clarifies the jurisdiction of the department and the Board of Environmental Protection in the laws regulating discharges into the waters of the State. It also clarifies the names of various bodies of water. The law updates federal publication references and allows collector systems to be included in state grants for pollution abatement. It increases the limit on the alcohol volume allowed in hard cider in the beverage container laws.

LD 1534 An Act To Address Hunger, Support Maine Farms and Reduce Waste

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C SAVIELLO T		

This bill creates the Maine food producers donation tax credit. The tax credit program allows food producers to apply for a tax credit equal to 50% of the fair market value of the donated food when they donate such food to a nonprofit food assistance organization or school. The Department of Administrative and Financial Services, Bureau of Revenue Services may not authorize more than \$150,000 in tax credits per fiscal year. The bill directs the bureau to adopt rules to implement the Maine food producers donation tax credit.

The bill also includes immunity from civil liability in regards to injury, illness or death due to the condition of the donated food for a charitable or nonprofit organization and its employees who distribute food without charge or at less than fair market value. The immunity also applies to a hospital or health care facility or eating establishment that donates food. The bill directs the Department of Health and Human Services to develop and publish a summary of liability protections for food donors and distributors of donated food.

The bill also creates the Maine Food Recovery Commission, consisting of 13 members, five of whom are Legislators. The commission must meet four times to review and evaluate the economic, environmental and human costs of food waste in Maine and assess current systems of food production, distribution and waste to determine where and how food is wasted in a manner inconsistent with Maine's food recovery hierarchy as well as to develop a strategy to address any inconsistencies with the food recover hierarchy. The commission is required to submit a report by December 6, 2017, to the Joint Standing Committee on Environment and Natural Resources with its findings and recommendations, including suggested legislation.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on Environment and Natural Resources

SUBJECT INDEX

Air Quality

Not Enacted

LD 577	An Act Regarding Zero-emissions Vehicles	ONTP
LD 1003	Resolve, To Require the State's Mitigation Plan under the Volkswagen Mitigation Trust Agreement To Include the Use of Maine-generated Nonfossil Fuel Sources	ONTP

Bottle Redemption Program

Enacted

LD 56	An Act To Include 50 Milliliter and Smaller Liquor Bottles in the Laws Governing Returnable Containers	PUBLIC 140
LD 227	An Act To Exclude Cardboard Beverage Containers from the Laws Governing Returnable Beverage Containers	PUBLIC 10

Not Enacted

LD 683	An Act To Fund the Maine Solid Waste Diversion Grant Program and To Phase Out Certain Containers from the Bottle Redemption Laws	ONTP
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Coal Tar

Not Enacted

LD 1235	An Act Concerning Pavement Sealing Products	Majority (ONTP) Report
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Coastal Areas

Not Enacted

LD 469	An Act To Establish a Generally Applicable Regulatory Standard To Address Impacts of Sea Level Change and Increased Storm Surges	ONTP
LD 1095	An Act To Establish the Maine Coastal Risks and Hazards Commission	CARRIED OVER

Environmental Regulation

Enacted

LD 1473	An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection	PUBLIC 137
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Not Enacted

LD 399	An Act To Revise Maine's Environmental Laws	CARRIED OVER
LD 1194	Resolve, Establishing the Commission To Study and Assess Maine's Regulatory Environment	ONTP

Flame Retardants

Enacted

LD 182	An Act To Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals	PUBLIC 311
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Groundwater

Not Enacted

LD 930	An Act To Protect Maine Families by Enhancing Well Water Regulation	ONTP
LD 1453	An Act To Regulate Hydraulic Fracturing To Prevent Threats to Maine's Drinking Water	Majority (ONTP) Report

Hazardous Waste - Remediation

Enacted

LD 1258	An Act To Modernize the Voluntary Response Action Program Funding Process	PUBLIC 92
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Invasives

Not Enacted

LD 867	An Act To Mitigate the Spread of Invasive Milfoil in Wilson Stream	ONTP
LD 1178	An Act To Better Understand and Control Invasive Aquatic Plants and Nuisance Species	ONTP

Lakes

Not Enacted

LD 894	An Act To Increase Funding for the Youth Conservation Corps	ONTP
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Metallic Mineral Mining

Enacted

LD 820	An Act To Protect Maine's Clean Water and Taxpayers from Mining Pollution	PUBLIC 142
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Not Enacted

LD 160	An Act To Prohibit the Mining of Massive Sulfide Ore Deposits under the Maine Metallic Mineral Mining Act	Majority (ONTP) Report
LD 253	An Act To Repeal the Maine Metallic Mineral Mining Act	ONTP
LD 254	An Act To Implement a Moratorium on Metallic Mineral Mining	ONTP
LD 395	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 580	An Act To Modify the Mining Laws	ONTP
LD 685	An Act To Establish the Mining Advisory Panel	Majority (ONTP) Report

Natural Resources Protection Act

Not Enacted

LD 739	An Act To Improve Beach-cast Seaweed Management for Health, Ecology and Tourism	ONTP
LD 1040	An Act Regarding Permitting under the Natural Resources Protection Act	ONTP
LD 1350	An Act To Amend the Law Regarding Recreational Gold Prospecting	Majority (ONTP) Report

Oil/Fuel

Not Enacted

LD 450	An Act To Prevent Oil Spills in Casco Bay	ONTP
LD 452	An Act To Remove the Reformulated Gasoline Requirement	ONTP

Product Stewardship

Not Enacted

LD 349	An Act To Facilitate the Recycling of Discarded Mattresses	Veto Sustained
LD 375	An Act To Establish a Carpet Stewardship Program	ONTP
LD 385	An Act To Establish a Stewardship Program for Certain Rechargeable Batteries	ONTP
LD 931	An Act To Create Extended Producer Responsibility for Post-consumer Waste Generated from the Use of Tobacco Products	ONTP

Septage and Sewage

Not Enacted

LD 372	An Act To Protect Public Health through Septic Tank Inspections	ONTP
LD 559	An Act To Standardize the Law Concerning Property Transfers and To Protect Water Quality	Veto Sustained

Shoreland Zoning

Not Enacted

LD 400	An Act Regarding the Construction or Placement of Decks within the Shoreland Zone	Died Between Houses
LD 684	An Act To Increase Vegetative Buffers in the Shoreland Zone	ONTP
LD 1096	An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities	INDEF PP

Subdivisions

Enacted

LD 805	An Act To Streamline the Municipal Review Process When Dividing a Structure into 3 or More Dwelling Units and To Amend the Process for Recording Subdivision Variances	PUBLIC 104
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Not Enacted

LD 628	An Act To Amend the Municipal Subdivision Laws	Died Between Houses
LD 1081	An Act To Amend the Municipal Subdivision Laws Regarding the Exemption for Transfers to Owners of Abutting Land	ONTP
LD 1094	An Act To Amend the Laws Governing the Review of Subdivisions	ONTP

Waste

Not Enacted

LD 57	An Act To Reduce Waste by Promoting the Use of Reusable Bags and Recyclable Food Service Containers	Veto Sustained
LD 103	An Act To Prohibit the Use of Certain Disposable Food Service Containers	ONTP
LD 576	An Act To Amend the Laws Governing Funding for Landfill Closure Costs	Veto Sustained
LD 1534	An Act To Address Hunger, Support Maine Farms and Reduce Waste	CARRIED OVER

Waste Discharges

Enacted

LD 357	An Act To Increase Penalties for the Discharge of Sewage, Septic Fluids, Garbage, Sanitary Waste or Other Pollutants from Watercraft into Inland Waters	PUBLIC 49
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LD 604 An Act To Protect Maine's Lakes by Prohibiting the Discharge
of Waste from Watercraft ONTP

Wastewater

Not Enacted

LD 881 An Act To Increase Wastewater Management Responsibility
by Licensing Certain Municipal Sewage Collection Systems ONTP

Water Quality

Not Enacted

LD 1298 An Act To Update Maine's Water Quality Standards CARRIED OVER

Wind Power

Not Enacted

LD 901 An Act To Amend the Laws Governing the Determination of a
Wind Energy Development's Effect on the Scenic Character of
Maine's Special Places Veto Sustained