

STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2019

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STAFF:

DANIEL TARTAKOFF, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

*Committee member for a portion of the session

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LD 61 An Act To Improve the Maine Bottle Redemption Process ONTP

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to simplify and improve the efficiency of the bottle redemption process.

LD 87 An Act To Increase the Bottle Redemption Deposit ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P JACKSON T	ONTP	

This bill increases to 25¢ the deposit and refund value on refillable and nonrefillable beverage containers whose deposit and refund value is currently 5¢. This increase does not apply to wine and spirits containers.

LD 93 An Act To Amend the Laws Governing Bottle Redemption To Counterbalance for Redemption Centers the Increase in Minimum Wage ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D CARPENTER M	ONTP	

This bill increases by 1¢ per returned container the handling costs to be reimbursed to the dealer or local redemption center for the cost of handling beverage containers beginning March 1, 2020.

LD 102 An Act To Improve the Manufacturing of Plastic Bottles and Bottle Caps CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUDERA V MIRAMANT D		

This bill prohibits, beginning January 1, 2020, a manufacturer from selling, offering for sale or distributing for sale in the State a single-use plastic beverage container unless the container is composed of at least 15% postconsumer recycled plastic. Beginning January 1, 2022, this threshold for the percentage of postconsumer recycled plastic in single-use plastic beverage containers increases to 20% and, beginning January 1, 2024, the threshold increases to 25%.

The bill also prohibits, beginning January 1, 2020, a manufacturer from selling, offering for sale or distributing for sale in the State a single-use plastic beverage container with a plastic beverage cap unless the cap is composed of the same plastic as the beverage container and the cap is tethered to the container in a manner that prevents the separation of the cap from the container when the cap is removed or the cap includes an opening from which the

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beverage can be consumed while the cap remains screwed onto or otherwise affixed to the container.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 112 An Act To Implement Changes to Maine's Solid Waste Laws Pursuant to PUBLIC 291
a Review of the State Waste Management and Recycling Plan**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM	H-439

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to implement changes to the laws governing the management, reduction and recycling of solid waste determined necessary based on a review of revisions to the state waste management and recycling plan prepared by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, section 2122 and submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters pursuant to Title 38, section 2124.

Committee Amendment "A" (H-439)

This amendment replaces the bill, which is a concept draft, and makes the following changes to the State's solid waste management laws.

Part A of the amendment:

1. Amends a definition in the State's solid waste management laws for the term "bypass";
2. Specifies through legislative findings and statements of legislative intent that the purpose, management and operation of State-owned solid waste disposal facilities must be consistent with the solid waste management hierarchy under the Maine Revised Statutes, Title 38, section 2101;
3. Stipulates that the Department of Environmental Protection may authorize the land disposal of non-bypass, unprocessed municipal solid waste at State-owned solid waste disposal facilities only when a specific need for the disposal has been identified by the Department of Administrative and Financial Services, Bureau of General Services and the facility operator, the disposal is consistent with the solid waste management hierarchy and options for the management of the waste that represent a higher priority on the hierarchy are not otherwise reasonably available; and
4. Authorizes the Department of Environmental Protection to limit the volume of municipal solid waste disposed of at a State-owned solid waste disposal facility and the duration of such disposal through imposition of such limitations under the facility's license.

Part B of the amendment:

1. Requires that, beginning March 1, 2020 and annually thereafter, a recycling establishment engaged in the marketing, brokering or purchasing of recyclable materials generated in the State report to the department regarding its recycling of such materials;
2. Clarifies the existing recycling reporting requirement for municipalities and changes the reporting to biennial rather than annual; and
3. Changes the existing due date for the department's report on statewide generation of solid waste, recycling rates

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and available disposal capacity to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters from January 1, 2020 and biennially thereafter to January 1, 2021 and biennially thereafter.

Enacted Law Summary

Public Law 2019, chapter 291 makes the following changes to the State's solid waste management laws:

1. It amends a definition in the State's solid waste management laws for the term "bypass";
2. It specifies through legislative findings and statements of legislative intent that the purpose, management and operation of State-owned solid waste disposal facilities must be consistent with the solid waste management hierarchy under the Maine Revised Statutes, Title 38, section 2101;
3. It stipulates that the Department of Environmental Protection may authorize the land disposal of non-bypass, unprocessed municipal solid waste at State-owned solid waste disposal facilities only when a specific need for the disposal has been identified by the Department of Administrative and Financial Services, Bureau of General Services and the facility operator, the disposal is consistent with the solid waste management hierarchy and options for the management of the waste that represent a higher priority on the hierarchy are not otherwise reasonably available;
4. It authorizes the Department of Environmental Protection to limit the volume of municipal solid waste disposed of at a State-owned solid waste disposal facility and the duration of such disposal through imposition of such limitations under the facility's license;
5. It requires that, beginning March 1, 2020 and annually thereafter, a recycling establishment engaged in the marketing, brokering or purchasing of recyclable materials generated in the State report to the department regarding its recycling of such materials;
6. It clarifies the existing recycling reporting requirement for municipalities and changes the reporting to biennial rather than annual; and
7. It changes the existing due date for the department's report on statewide generation of solid waste, recycling rates and available disposal capacity to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters from January 1, 2020 and biennially thereafter to January 1, 2021 and biennially thereafter.

LD 197	An Act To Convene a Working Group To Authorize a Public Trust for Maine's Groundwater and To Impose a 2-year Moratorium on Large-scale Groundwater Extraction	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

This bill was originally referred to the Energy, Utilities and Technology Committee, which reported the bill out with a majority of its members supporting reference to the Environment and Natural Resources Committee and a minority of its members supporting an "ought not to pass" report. The bill was subsequently referred to the Environment and Natural Resources Committee.

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This bill imposes a two-year moratorium, beginning November 1, 2019, on new contracts or agreements by a consumer-owned water utility, municipality, state agency or other governmental entity involving the extraction of more than 75,000 gallons of groundwater during any week or more than 50,000 gallons of groundwater on any day.

The bill also directs the Commissioner of Environmental Protection to convene a working group to develop the statutory and regulatory framework for the establishment of the Maine Water Trust, which must be designed to ensure a safe and plentiful drinking water supply for all residents of the State by regulating the use of groundwater for commercial purposes under laws that establish the absolute control and dominion of the State over all groundwater supplies in the State. The commissioner must, on or before January 15, 2021, report the recommendations of the working group to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, which may report out a bill to implement those recommendations to the First Regular Session of the 130th Legislature.

LD 216 An Act To Protect Water Quality by Standardizing the Law Concerning PUBLIC 43
Septic Inspection in the Shoreland Zone

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J BLACK R	OTP ONTP	

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.

Enacted Law Summary

Public Law 2019, chapter 43 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.

LD 221 An Act To Reduce the Cost of Automobile Repairs by Eliminating the ONTP
Aftermarket Catalytic Converter Requirement

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY J CYRWAY S	ONTP	

This bill amends the Board of Environmental Protection's authority to adopt and enforce new motor vehicle emission standards by prohibiting the adoption of standards requiring that new aftermarket catalytic converters sold or installed in the State be certified to any standards adopted by the State of California or the California Air Resources Board. The bill also requires the Department of Environmental Protection, as soon as practicable, to amend its rule Chapter 127 relating to new motor vehicle emission standards in accordance with this statutory prohibition.

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**LD 248 An Act To Increase the Handling Fee for Beverage Containers
Reimbursed to Redemption Centers**

**PUBLIC 133
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T TUCKER R	OTP-AM ONTP	S-20 S-56 FOLEY R

This bill increases by 2¢ per returned container the reimbursement to the dealer or local redemption center for the cost of handling beverage containers beginning March 1, 2020.

Committee Amendment "A" (S-20)

This amendment, which is the majority report of the committee, increases the reimbursement to the dealer or local redemption center for the cost of handling beverage containers by .5¢ beginning May 1, 2019 and by an additional one-half cent beginning January 1, 2020. It also adds an emergency preamble and emergency clause and an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-56)

This amendment amends Committee Amendment "A" to:

1. Increase the reimbursement to the dealer or local redemption center for the cost of handling beverage containers by .5¢ beginning January 1, 2020;
2. Eliminate a provision reducing by .5¢ the reimbursement to the dealer or local redemption center for the cost of handling beverage containers subject to a qualified commingling agreement;
3. Place a moratorium from May 1, 2019 to January 15, 2020 on the issuance by the Department of Environmental Protection of redemption center licenses to redemption centers not licensed prior to May 1, 2019 unless the department determines that a new redemption center is needed to serve an area in which an existing redemption center ceases to operate. This licensing prohibition does not apply to renewal of redemption center licenses issued prior to May 1, 2019; and
4. Direct the Commissioner of Environmental Protection to require each initiator of deposit that has entered into a commingling agreement, and its contracted agent, if any, to no later than July 1, 2019 report to the department the number of beverage containers picked up from each redemption center on each pick-up date in calendar year 2018. Upon receipt of this data, the department shall assess the efficiency and convenience of the beverage container redemption system and develop recommendations to improve efficiencies in the handling and transportation of beverage containers and to ensure convenient collection of beverage containers for consumers.

On or before January 15, 2020, the commissioner shall submit a report to the Joint Standing Committee on Environment and Natural Resources detailing the department's findings and recommendations, including any proposed legislation. The committee is authorized to report out legislation to implement recommendations contained in the report.

Enacted Law Summary

Public Law 2019, chapter 133 amends the State's bottle redemption laws as follows.

1. It increases the reimbursement to a dealer or local redemption center for the cost of handling beverage containers by .5¢ beginning January 1, 2020.

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- 2. It eliminates a provision of law reducing .by 5¢ the reimbursement to a dealer or local redemption center for the cost of handling beverage containers subject to a qualified commingling agreement.
- 3. It places a moratorium from May 1, 2019 to January 15, 2020 on the issuance by the Department of Environmental Protection of redemption center licenses to redemption centers not licensed prior to May 1, 2019 unless the department determines that a new redemption center is needed to serve an area in which an existing redemption center ceases to operate. This licensing prohibition does not apply to renewal of redemption center licenses issued prior to May 1, 2019.
- 4. It directs the Commissioner of Environmental Protection to require each initiator of deposit that has entered into a commingling agreement, and its contracted agent, if any, to no later than July 1, 2019 report to the department the number of beverage containers picked up from each redemption center on each pick-up date in calendar year 2018. Upon receipt of this data, the department shall assess the efficiency and convenience of the beverage container redemption system and develop recommendations to improve efficiencies in the handling and transportation of beverage containers and to ensure convenient collection of beverage containers for consumers.

On or before January 15, 2020, the commissioner shall submit a report to the Joint Standing Committee on Environment and Natural Resources detailing the department's findings and recommendations, including any proposed legislation. The committee is authorized to report out legislation to implement recommendations contained in the report.

Public Law 2019, chapter 133 was enacted as an emergency measure effective May 21, 2019.

LD 274 An Act To Allow the Sale of Ethanol-free Gasoline Statewide

PUBLIC 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D EVANGELOS J	OTP	

Since June 1, 2015, retailers who sell gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County have been required to sell only reformulated gasoline in those counties. This bill repeals that sales requirement effective November 1, 2020.

Enacted Law Summary

Public Law 2019, chapter 55 repeals the requirement which has been in place since June 1, 2015, that retailers who sell gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County sell only reformulated gasoline in those counties. The repeal of that requirement is effective Nov. 1, 2020.

LD 281 Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection

**RESOLVE 27
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-121

This resolve provides for legislative review of portions of Chapter 692: Siting of Oil Storage Facilities, a major substantive rule of the Department of Environmental Protection.

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Committee Amendment "A" (H-121)

This amendment authorizes final adoption by the Department of Environmental Protection of portions of Chapter 692: Siting of Oil Storage Facilities, a provisionally adopted major substantive rule of the department, only if a number of specified changes to the rule are made prior to final adoption.

Enacted Law Summary

Resolve 2019, chapter 27 authorizes final adoption by the Department of Environmental Protection of portions of Chapter 692: Siting of Oil Storage Facilities, a provisionally adopted major substantive rule of the department, only if a number of specified changes to the rule are made prior to final adoption.

Resolve 2019, chapter 27 was finally passed as an emergency measure effective May 16, 2019.

LD 289 An Act To Prohibit the Use of Certain Disposable Food Service Containers

PUBLIC 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ZEIGLER S	OTP-AM OTP-AM	H-49 H-55 TUCKER R

Beginning January 1, 2020, this bill prohibits the sale or distribution in the State of disposable food service containers composed in whole or in part of polystyrene foam. The bill requires the Department of Environmental Protection to adopt rules to implement these statutory provisions.

Committee Amendment "A" (H-49)

This amendment, which is the majority report of the committee, replaces the bill, repeals the existing law regarding nondegradable food and beverage containers and enacts a new provision of law regarding disposable food service containers. Under the amendment, beginning January 1, 2021, a food establishment is prohibited, subject to certain exemptions, from processing, preparing, selling or providing food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam. The amendment also:

1. Excludes from the definition of "disposable food service container" polystyrene foam coolers and ice chests that are used for the processing or shipping of seafood;
2. Adds sleeves and stirrers to the definition of "service ware";
3. Excludes from the definition of "food establishment" hospitals licensed under the Maine Revised Statutes, Title 22, chapter 405 and so-called meals on wheels establishments funded in whole or in part directly or indirectly by the Department of Health and Human Services; and
4. Incorporates from the existing law, which was repealed in the amendment, regarding nondegradable food and beverage containers certain definitions, a penalty provision and a prohibition on the use of plastic beverage stirrers by food establishments providing or serving beverages at a facility or function of the State or of a political subdivision.

Committee Amendment "B" (H-50)

This amendment, which is the minority report of the committee, changes the title and replaces the bill with a resolve that establishes the Plastics Recycling Task Force to be convened by the Commissioner of Environmental Protection. No later than January 15, 2020, the task force must submit to the Joint Standing Committee on

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Environment and Natural Resources a report containing its findings and recommendations, including a comprehensive plastics recycling management plan and recommendations for legislative, regulatory or local government actions necessary to increase the rate of plastics recycling in the State. After reviewing the report, the committee may report out legislation to implement the recommendations described in the report.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-55)

This amendment amends Committee Amendment "A" to replace the term "food establishment" with the term "covered establishment."

Enacted Law Summary

Public Law 2019, chapter 62 repeals the existing law regarding nondegradable food and beverage containers and enacts a new provision of law regarding disposable food service containers. Under that new provision of law, beginning January 1, 2021, a covered establishment is prohibited, subject to certain exemptions, from processing, preparing, selling or providing food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam. The new provision of law also:

1. Excludes from the definition of "disposable food service container" polystyrene foam coolers and ice chests that are used for the processing or shipping of seafood;
2. Adds sleeves and stirrers to the definition of "service ware";
3. Excludes from the definition of "covered establishment" hospitals licensed under the Maine Revised Statutes, Title 22, chapter 405 and so-called meals on wheels establishments funded in whole or in part directly or indirectly by the Department of Health and Human Services; and
4. Incorporates from the existing law regarding nondegradable food and beverage containers, which was repealed in the enacted law, certain definitions, a penalty provision and a prohibition on the use of plastic beverage stirrers by food establishments providing or serving beverages at a facility or function of the State or of a political subdivision.

**LD 319 An Act To Standardize the Laws Concerning Property Transfers and To ONTP
Protect Water Quality**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL D BREEN C	ONTP	

This bill extends to inland shoreland areas the requirement that subsurface waste water 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.

LD 327 An Act To Revise Maine's Environmental Laws CARRIED OVER

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

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This bill, which is a concept draft pursuant to Joint Rule 208, proposes to revise laws governing environmental protection.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 338 An Act To Allow Flexibility in the Deposit Labeling of Metal Returnable Beverage Containers PUBLIC 11

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J FOLEY R	OTP	

Current law requires that returnable metal beverage containers be labeled with the refund value and the word "Maine" or "ME" embossed or stamped on the tops of the containers. This bill allows that information to appear anywhere except on the bottom of the container.

Enacted Law Summary

Public Law 2019, chapter 11 allows returnable metal beverage containers to be labeled with the refund value and the word "Maine" or "Me" embossed or stamped anywhere on the container except the bottom. Current law requires that information to be embossed or stamped on the top of the containers.

LD 356 An Act To Sustain Maine's Forest Products Industry by Implementing Certain Existing Solid Waste Management Policies Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J DUNPHY M		

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to ensure that the State continues to implement certain solid waste management policies that were adopted to benefit all or part of the State's forest products industry.

LD 360 An Act To Increase the Reimbursement to Bottle Redemption Centers ONTP

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

This bill increases the reimbursement to the dealer or local redemption center for the cost of handling beverage containers by one cent beginning May 1, 2019 and by an additional one cent beginning January 1, 2020.

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LD 377 An Act To Protect Small Redemption Centers

ONTP

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

This bill amends the bottle redemption laws as follows.

1. It increases, beginning June 1, 2019, by one cent per returned container the handling costs to be reimbursed to the dealer or local redemption center for the cost of handling beverage containers.
2. It repeals the provision that authorizes the reduced handling fee for small brewers and water bottlers.
3. It requires the Commissioner of Environmental Protection, beginning in September 2021, and every two years thereafter, to convene a panel to review the adequacy of the reimbursement amount for beverage container handling costs and make any necessary recommendations regarding the reimbursement.

LD 378 An Act To Amend Maine's Bottle Deposit Law

ONTP

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to make changes designed to improve the State's laws governing deposits on beverage containers.

LD 401 An Act To Preserve State Landfill Capacity and Promote Recycling

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R GRATWICK G		

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures to ensure accurate tracking of the origin and type of waste materials disposed of in Maine, to discourage landfilling of recyclable materials, to preserve landfill capacity at state-owned facilities for Maine-generated materials, and to ensure the rights of host communities and abutters of waste disposal facilities. In order to achieve these goals, the bill proposes to:

1. Ensure there is accurate tracking and record keeping identifying the origin, amounts and types of materials disposed in waste facilities in the State;
2. Ensure waste is effectively tracked from generation point through processing to final disposal point, including the following types of facilities and disposal sites where tracking is required: landfills; landfill leachate discharge sites; incinerator ash and slag disposal sites; and biosolids disposal sites;
3. Ensure that waste materials imported from outside the State that are processed at facilities in the State are

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not classified as Maine-generated waste;

4. Ensure that waste materials that end up in a landfill, such as construction and demolition debris, which are used for daily cover in a landfill, are not counted toward the State's recycling goals;

5. Ensure adequate legal standing and strengthen protections for the health and well-being of people living in close proximity to waste disposal facilities;

6. Strengthen conflict-of-interest protections in awarding and management and oversight of state waste contracts to prevent price fixing and market manipulation; and

7. Direct the Department of Environmental Protection to amend rule Chapter 400, Maine Solid Waste Management Rules to:

A. Amend the definition of "bypass" to limit the waste that is considered bypass to solid waste that cannot be disposed of, processed or beneficially used at that facility because of malfunction, insufficient capacity, downtime or inability of the facility to process or burn;

B. Amend the definition of "recycle" and "recycling" to add a provision that any material left at a landfill is not considered recycled; and

C. Define "Maine-generated waste" as solid waste that is discarded for the first time within the physical confines of the State.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 413 An Act To Ensure the Rights of Citizens to Groundwater in the State ONTP

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to change the laws governing groundwater to recognize that the citizens of the State collectively own the State's groundwater. The bill establishes the State as the trustee and steward of the State's groundwater on behalf of the citizens of the State and requires the State to endeavor to ensure that the groundwater will always be available to the benefit of all the citizens of the State. It also directs the State to take all reasonable measures to ensure an adequate supply of usable groundwater for the citizens of the State and to monitor the level of sustainability of the groundwater and protect against uses of groundwater that are detrimental to aquifers, bodies of surface water or wetlands or to public health and welfare.

LD 426 An Act To Increase the Beverage Container Redemption Reimbursement To Offset Minimum Wage Increases ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITE D FOLEY R	ONTP	

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This bill increases by .5¢ per returned container the handling costs to be reimbursed to the dealer or local redemption center for the cost of handling beverage containers beginning March 1, 2020.

LD 450 An Act To Increase Funding for the St. Croix International Waterway Commission CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M PERRY A	OTP-AM	S-19

This bill provides an additional \$25,000 per fiscal year to the St. Croix International Waterway Commission, provided the Province of New Brunswick, Canada commits to match the funding.

Committee Amendment "A" (S-19)

This amendment incorporates a fiscal note.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 505 An Act To Require the Use of Reusable Food Ware at Eating Establishments ONTP

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

This bill provides that a prepared food vendor may sell or provide prepared food to a customer for consumption on the vendor's premises only if the prepared food is served to the customer using reusable food ware. The bill also requires that a prepared food vendor may sell or provide prepared food to a customer for consumption off the vendor's premises using single-use disposable food ware only if the prepared food is served to the customer using single-use disposable food ware approved by the Department of Environmental Protection as recyclable or compostable.

The bill also requires that a prepared food vendor selling take-out food to a customer for consumption off the vendor's premises must require payment by the customer of a fee, retained by the prepared food vendor, of 25¢ for certain items of single-use disposable food ware in which the customer's take-out food is served or for each take-out meal served to the customer, whichever is less. The provisions of this bill also apply to a prepared food vendor or other food server providing or serving prepared food to customers at a state facility or state function.

LD 524 Resolve, Regarding the Promotion of Composting ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C FOLEY R	ONTP	

This resolve requires the Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry to study the feasibility of establishing incentives or mandates to promote composting in the State. The departments are required to submit a joint report of their findings and recommendations, together with any

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necessary implementing legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Environment and Natural Resources, which may submit legislation relating to the report to the Second Regular Session of the 129th Legislature.

LD 543 *Resolve, To Facilitate the Protection of Public Health through Increased Subsurface Wastewater Inspections* RESOLVE 13

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L	OTP-AM ONTP	H-37

Current law requires the inspection of a subsurface wastewater disposal system on a property located within the shoreland area of the State that is to be transferred. This bill 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.

Committee Amendment "A" (H-37)

This amendment, which is the majority report of the committee, changes the title of the bill and changes the bill into a resolve directing the Department of Health and Human Services, in consultation with the Department of Environmental Protection, to submit to the Joint Standing Committee on Environment and Natural Resources on or before January 15, 2020 a report containing a variety of information regarding septic system inspections and the certification of septic system inspectors. After reviewing the report, the committee may report out a bill related to the information contained in the report to the Second Regular Session of the 129th Legislature.

Enacted Law Summary

Resolve 2019, chapter 13 directs the Department of Health and Human Services, in consultation with the Department of Environmental Protection, to submit to the Joint Standing Committee on Environment and Natural Resources on or before January 15, 2020 a report containing a variety of information regarding septic system inspections and the certification of septic system inspectors. After reviewing the report, the committee may report out a bill related to the information contained in the report to the Second Regular Session of the 129th Legislature.

LD 544 *An Act To Create Extended Producer Responsibility for Post-consumer Waste Generated from the Use of Tobacco Products* CARRIED OVER

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

This bill, which is a concept draft pursuant to Joint Rule 208, 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. The bill proposes 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;

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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;
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, and 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.

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This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 550 An Act To Amend the Definition of "Subdivision" in the Laws
Governing Planning and Land Use Regulation for Subdivisions and a
Provision Excepting the Division of a New or Existing Structure from
Those Laws Beginning July 1, 2018**

PUBLIC 174

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N CAMPBELL D	OTP-AM	S-97

This bill changes the date by which definitions of "subdivision" that are in municipal ordinances and that conflict with state law must comply with the definition of "subdivision" in state law. It also extends the time municipalities have to register an ordinance with a conflicting definition with the registry of deeds. The bill also removes cross-references to the site location of development laws in an exemption to municipal subdivision review and adds a cross-reference to the law governing municipal site plan review ordinances.

Committee Amendment "A" (S-97)

This amendment includes a definition for the term "municipal site plan review" as used in an exemption to municipal subdivision review requirements. It also makes the changes to the subdivision law that are included in the bill retroactive to June 30, 2018.

Enacted Law Summary

Public Law 2019, chapter 174 amends the State's subdivision laws as follows.

1. It changes the date by which definitions of "subdivision" that are in municipal ordinances and that conflict with state law must comply with the definition of "subdivision" in state law.
2. It extends the time municipalities have to register an ordinance with a conflicting definition of "subdivision" with the registry of deeds.
3. It removes cross-references to the site location of development laws in an exemption to municipal subdivision review, instead requiring that projects eligible for that exemption be subject to "municipal site plan review," a term which is also defined in the enacted law.
4. It specifies that the changes to the subdivision laws that are included in the enacted law are retroactive to June 30, 2018.

LD 559 An Act To Restore Regular Mapping of Eelgrass Beds in the State

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J CARSON B	OTP-AM	H-48

This bill directs the Department of Environmental Protection, in consultation with the Department of Marine Resources, to establish and administer a program to regularly produce and update maps regarding the distribution of eelgrass beds in the State. Data collected and maps produced under this program must be made available on the Department of Environmental Protection's publicly accessible website. The Department of Environmental

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Protection is directed to submit to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters on or before January 1, 2021, and biennially thereafter, a report on the data collected and maps produced under this program.

Committee Amendment "A" (H-48)

This amendment creates the Eelgrass Mapping Fund to support the establishment and administration of the eelgrass mapping program required under the bill and authorizes the fund to accept grants, bequests, gifts or contributions from any source, public or private. The amendment also revises the mapping schedule for the mapping of eelgrass beds as proposed in the bill and adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 562 An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities

PUBLIC 40

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L BREEN C	OTP-AM ONTP	H-38

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 a municipal shoreland zoning ordinance 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.

Committee Amendment "A" (H-38)

This amendment, which is the majority report of the committee, amends the bill by removing the requirement that the Department of Economic and Community Development, Office of Community Development provide both basic and advanced training to code enforcement officers in the technical and legal aspects of code enforcement and instead removes from existing law the designation that the training program required by statute be basic.

Enacted Law Summary

Public Law 2019, chapter 40 amends the laws relating to the State's regulation of the shoreland zone as follows.

1. It removes from existing law the designation that the required training program for code enforcement officers in the technical and legal aspects of code enforcement, as implemented by the Department of Economic and Community Development, Office of Community Development, be basic.
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.

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3. It provides that a municipal shoreland zoning ordinance 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.

LD 565 An Act To Establish the Maine Coastal Risks and Hazards Commission ONTP

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

This bill establishes the Maine Coastal Risks and Hazards Commission, the purpose of which is to develop and submit legislative 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, 2022, and every four 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 recommendations, including any draft legislation, to address and prepare for identified coastal and coastal watershed hazards.

LD 575 An Act To Increase the Bottle Redemption Deposit and the Amount Retained by Bottle Redemption Centers ONTP

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

This bill amends the State's bottle redemption laws as follows.

1. It increases to 10¢ the deposit and refund value on refillable and nonrefillable beverage containers whose deposit and refund value is currently 5¢. This increase does not apply to wine and spirits containers.
2. It repeals the provision that authorizes the reduced handling fee for small brewers and water bottlers.
3. It increases by 3¢ per returned container the reimbursement to the dealer or local redemption center for the cost of handling beverage containers beginning January 1, 2020.

LD 579 An Act To Update Beverage Container Deposits and Redemption Values ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S DAVIS P	ONTP	

This bill amends the State's bottle redemption laws as follows.

1. It increases to 15¢ the deposit and refund value on refillable and nonrefillable beverage containers whose deposit and refund value is currently 5¢. The bill also increases from 5¢ to 15¢ the deposit and refund value of wine and spirits containers of 50 milliliters or less, and from 15¢ to 45¢ the deposit and refund value of wine and spirits

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containers of greater than 50 milliliters.

2. It triples the amount per returned container of reimbursement to the dealer or local redemption center for the cost of handling beverage containers beginning January 1, 2020.

LD 582 An Act To Increase Vegetative Buffers in the Shoreland Zone

Leave to Withdraw Pursuant to Joint Rule

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

This bill, which is a concept draft pursuant to Joint Rule 208, 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 590 An Act To Promote Climate Resiliency Measures To Protect Beaches and Near-shore Infrastructure

ONTP

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures designed to provide flexibility in the regulation of development near the shore. The purpose of the bill is to encourage the development of creative approaches to protect beaches and critical near-shore infrastructure threatened by sea level rise and storm damage.

LD 603 An Act To Amend the Laws Governing Funding for Landfill Closure Costs

PUBLIC 93

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J DUNPHY M	OTP-AM	S-55

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 accepted for processing on or before September 1, 1989 and the application was approved by the Commissioner of Environmental Protection within one year of accepting the application for processing, the landfill is eligible for payment of 75% of certain closure costs by the Department of Environmental Protection.

Committee Amendment "A" (S-55)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 93 extends the eligibility period for closure costs for a landfill that currently applies only

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to a landfill licensed on or before September 1, 1989. It provides that if a license application for a landfill was accepted for processing on or before September 1, 1989 and the application was approved by the Commissioner of Environmental Protection within one year of accepting the application for processing, the landfill is eligible for payment of 75% of certain closure costs by the Department of Environmental Protection.

LD 621 An Act To Prohibit Extruded Polystyrene Food Service Containers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARNEY A MILLETT R	ONTP	

This bill prohibits food establishments from processing, preparing, selling or providing food in or on an extruded polystyrene foam food service container with certain exceptions.

**LD 640 Resolve, To Require a Study of Greenhouse Gas Emissions Reductions Died Between
from the Proposed Central Maine Power Company Transmission Houses
Corridor**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B RYKERSON D	OTP-AM ONTP	S-82 H-345 HANDY J

This resolve requires the Department of Environmental Protection to review all relevant, verifiable evidence on the total net effect on greenhouse gas emissions from Central Maine Power Company's New England Clean Energy Connect project and submit a report to the Legislature, make the report available to the public and provide a copy of the report to the Massachusetts Department of Public Utilities by June 1, 2019. The resolve prohibits the department from issuing a permit for the project without taking into account the results of the department's review.

Committee Amendment "A" (S-82)

This amendment, which is the majority report of the committee, replaces the resolve and directs the Department of Environmental Protection to commission a study regarding the potential effect of the New England Clean Energy Connect, or NECEC, project, as proposed by Central Maine Power Company, on total greenhouse gas emissions across all jurisdictions interconnected with electricity generation and distribution systems operated by the Hydro-Quebec company. The findings of the study regarding greenhouse gas emissions effects, with and without construction of the NECEC project, must be presented in relation to a benchmark of reducing greenhouse gas emissions in New England by 3.6 million metric tons per year. The study, which is to be prepared by a consultant that is an independent, nongovernmental organization with expertise in energy and environmental policy and analysis, must be based on a modeling analysis that incorporates appropriate assumptions regarding load growth, fuel costs, variation in dispatch of electricity among electricity markets, rainfall, electricity transmission constraints, addition and retirement of electric generation facilities and technology development.

On or before August 15, 2019, the department is required to submit the final report prepared by the consultant to the Joint Standing Committee on Environment and Natural Resources. The department may not issue a permit, license or other approval relating to the NECEC project until at least 45 days after it submits to the committee the final report prepared by the consultant, except that this 45-day prohibition does not apply if the department fails to submit the final report to the committee on or before August 15, 2019.

The department may accept funds from any source, public or private, to fund the costs of the study and report and may only fund the costs of the study and report using outside funding received for those purposes. If the

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department, by August 15, 2019, fails to receive sufficient outside funding for the study, the department is not required to enter into an agreement with the consultant to complete the study or to submit a final report to the committee and the 45-day prohibition does not apply.

Senate Amendment "A" To Committee Amendment "A" (S-91)

This amendment amends Committee Amendment "A" to:

1. Add requirements that the Department of Environmental Protection review and approve entities the selected consultants seek to engage for assistance with the study and review and approve the consultant's proposed scope of work and modeling assumptions;
2. Prohibit the department from accepting funding for the study that creates an apparent or actual conflict of interest;
3. Narrow the geographic scope of the study to Maine and other New England states, New York, Ontario and New Brunswick;
4. Specify that the department may not consider the study or the results of the study in the department's decisions on applications for permits from the New England Clean Energy Connect project under the laws governing site location of development or the Natural Resources Protection Act; and
5. Require the department to consult with the Public Utilities Commission staff on issues that are typically within the jurisdiction of the commission and not the department.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-345)

This amendment amends Committee Amendment "A" to remove the requirement that the Department of Environmental Protection obtain outside funding to complete a study regarding the potential effect of the New England Clean Energy Connect project, instead transferring \$150,000 from the Public Utilities Commission Reimbursement Fund within the Public Utilities Commission to the Maine Environmental Protection Fund within the department to fund the cost of the study. The amendment includes a one-time \$150,000 allocation in fiscal year 2019-20 to allow for the expenditure of the transferred funds.

LD 710	Resolve, To Require the Department of Environmental Protection To Study the Establishment of a Product Stewardship Program for Mattresses	RESOLVE 36
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S BREEN C	OTP	

This resolve requires the Department of Environmental Protection to study the establishment of a new stewardship program in the State for mattresses and report the results of its study to the Joint Standing Committee on Environment and Natural Resources by December 4, 2019. The department is required to include recommended legislation to implement its recommendations related to the report, and the joint standing committee is authorized to report out a bill relating to the subject matter of the report to the Second Regular Session of the 129th Legislature.

Enacted Law Summary

Resolve 2019, chapter 36 requires the Department of Environmental Protection to study the establishment of a new

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stewardship program in the State for mattresses and report the results of its study to the Joint Standing Committee on Environment and Natural Resources by December 4, 2019. The department is required to include recommended legislation to implement its recommendations related to the report, and the joint standing committee is authorized to report out a bill relating to the subject matter of the report to the Second Regular Session of the 129th Legislature.

LD 774 An Act To Protect Maine's Beaches and Shoreline

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L FOLEY R		

This bill amends the State's coastal management policies laws to ensure that those policies address the effects of coastal erosion on the State's beaches and shoreline and ensure the health of the State's beaches and shoreline for habitat protection for coastal wildlife species and for protection against storms.

The bill also creates an advisory group on beach management, to be convened by the Commissioner of Environmental Protection for the purpose of developing and recommending objectives, strategies, legislation and other actions to mitigate coastal erosion in the State and to keep beaches healthy for storm protection, habitat protection for coastal wildlife species and for recreational use. The group is directed to review the report titled "Integrated Beach Management Program Working Group Report," dated January 2017 and submitted to the Joint Standing Committee on Environment and Natural Resources in the First Regular Session of the 128th Legislature, update the data and findings contained in that report, if necessary, and review and update the specific recommendations for legislative, regulatory or other actions contained in that report, if necessary. No later than February 15, 2020, the commissioner is required to submit a report to the Joint Standing Committee on Environment and Natural Resources containing the findings and recommendations of the group following its review of the 2017 report, including any proposed legislation necessary to implement those recommendations. After reviewing the report, the committee may report out legislation to implement those recommendations.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 797 An Act To Limit Greenhouse Gas Pollution and Effectively Use Maine's Natural Resources

ONTP

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

This bill provides that by January 1, 2050 the State must reduce net annual greenhouse gas emissions to at least 80% below the 1990 net annual greenhouse gas emissions level. It directs the Department of Environmental Protection to establish interim net annual emissions levels and to monitor and report on gross and net annual greenhouse gas emissions. It directs the department to update the State's climate action plan and evaluate the State's progress toward meeting the reduction levels.

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LD 817 An Act To Advance the Restoration of the Penobscot River

PUBLIC 72

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J DUNPHY M	OTP-AM	S-34

This bill extends north to Milford Dam between Milford and Old Town on the Penobscot River, with the exception of the Stillwater Branch, the protections under the Maine Revised Statutes, Title 38, section 418-A currently provided to the lower Penobscot River. It requires the Department of Marine Resources, the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection, in consultation with the Penobscot Indian Nation and interested federal agencies, to conduct a comprehensive assessment of fish passage barriers, water quality and habitat conditions affecting the full restoration of fisheries within the Penobscot River watershed and the feasibility and costs of mitigating problems and report to the Joint Standing Committee on Marine Resources, the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Environment and Natural Resources. It authorizes the joint standing committees to report out legislation to the Second Regular Session of the 129th Legislature.

Committee Amendment "A" (S-34)

This amendment removes from the bill the directed comprehensive assessment of the Penobscot River Watershed by the Department of Marine Resources, the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection. It also makes a technical correction to a section headnote.

Enacted Law Summary

Public Law 2019, chapter 72 extends north to Milford Dam between Milford and Old Town on the Penobscot River, with the exception of the Stillwater Branch, the protections under the Maine Revised Statutes, Title 38, section 418-A currently provided to the lower Penobscot River.

LD 818 An Act To Reduce Greenhouse Gas Emissions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L FAY J	ONTP	

This bill provides that by January 1, 2030 the State must reduce net annual greenhouse gas emissions to at least 80% below the 1990 net annual greenhouse gas emissions level. It directs the Department of Environmental Protection to establish interim net annual emissions levels and to monitor and report on gross and net annual greenhouse gas emissions. It directs the department to update the State's climate action plan and evaluate the State's progress toward meeting the reduction levels. It requires the Board of Environmental Protection to establish greenhouse gas emission standards for individual sources or categories of sources.

LD 822 An Act To Prohibit the Sale of Motor Fuel Containing More than 10% Ethanol

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B TIMBERLAKE J	OTP	

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This bill prohibits a distributor, blender or retail dealer from selling, consigning or distributing motor fuel containing more than 10% ethanol by volume unless the motor fuel is sold, consigned or distributed in a sealed container that contains one quart or less of the motor fuel. It also repeals a contingent prohibition on the sale of motor fuel containing more than 10% ethanol by volume.

LD 893 An Act To Create an Updated Unified Maine Climate Action Plan ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J DUNPHY M	ONTP	

This bill requires the Department of Environmental Protection, working with the Maine Interagency Climate Adaptation Work Group, or MICA Work Group, and the University of Maine, to update the Maine Climate Action Plan developed in 2004 by the department. It requires the updated plan to address both mitigation and adaptation strategies. It requires the department and the MICA Work Group to convene a group of stakeholders to evaluate the mitigation and adaptation strategies in order to update the plan and it provides for internships for University of Maine students to work on the development and implementation of the updated plan. It authorizes the department to hire consultants. It requires the University of Maine System to develop and implement procedures for providing climate data to residents of the State. It also includes an appropriations and allocations section.

LD 906 An Act Concerning Pavement Sealing Products PUBLIC 493

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	OTP-AM ONTP	H-166 H-225 DAUGHTRY M

This bill prohibits the sale of coal tar sealant products beginning October 1, 2020 and prohibits the application of coal tar sealant products on driveways or parking areas beginning October 1, 2021. 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 majority report of the committee, amends the bill as follows.

1. It amends the definition of "polycyclic aromatic hydrocarbons" to include a reference to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.
2. It clarifies the scope of the bill's sales and application prohibitions or coal tar sealant products.
3. It removes an unnecessary cross-reference.

House Amendment "A" (H-225)

This amendment amends Committee Amendment "A" to delay for three years the prohibitions regarding coal tar sealant products.

Enacted Law Summary

Public Law 2019, chapter 493 prohibits the sale of coal tar sealant products beginning October 1, 2023 and prohibits the application of coal tar sealant products on driveways or parking areas beginning October 1, 2024. The

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Commissioner of Environmental Protection may grant an exemption from the prohibitions for research or development purposes.

LD 937 An Act Regarding the Sale and Release or Abandonment of Balloons Died Between Houses

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

This bill amends the State's litter law to provide that a person who releases or abandons a balloon outdoors is subject to penalties under that law regarding the waste materials resulting from that release or abandonment. It also requires a seller of balloons to register with the Department of Environmental Protection and to display in a conspicuous place at each purchase counter warning information developed by the department concerning the risks to the environment and to wildlife posed by waste materials resulting from the outdoor release of balloons; the choking and suffocation risks to children posed by the unsupervised use of balloons; the risks to individuals with latex allergies posed by exposure to balloons made wholly or partly from latex; and the penalties for littering resulting from the outdoor release of balloons that may be imposed by the State's litter laws.

Committee Amendment "A" (H-167)

This amendment, which is the majority report of the committee, changes the title and replaces the bill. It amends the State's litter law to clarify that waste materials resulting from the outdoor release or abandonment of a balloon constitute litter under that law. The amendment also provides that it is a violation of the litter law for a person to intentionally release outdoors a balloon that is inflated or filled with a gas that is lighter than air, except for a balloon carrying scientific instrumentation, a balloon used for meteorological observation by a governmental or scientific organization or a hot air balloon that is recovered after launching. It applies a civil penalty of not less than \$100 and not more than \$500 for the illegal intentional release of up to 10 balloons and a civil penalty of not less than \$500 for the illegal intentional release of more than 10 balloons.

This amendment was not adopted.

LD 951 An Act To Improve the Research Capabilities of State Agencies CARRIED OVER

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures designed to improve the research capabilities of state agencies.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 952 An Act To Coordinate and Standardize Data Collection Protocols

CARRIED OVER

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the laws to coordinate and standardize data collection protocols.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 955 An Act To Prohibit Offshore Oil and Natural Gas Drilling and Exploration

PUBLIC 294

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M FOLEY R	OTP-AM ONTP	H-425

This bill prohibits a person from performing or causing to be performed any oil or natural gas exploration, development or production in, on or under the waters of the State or that may adversely affect the waters of the State.

The bill also prohibits the Department of Environmental Protection and the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry from permitting, approving or otherwise authorizing any oil or natural gas exploration, development or production in, on or under the submerged and intertidal land owned by the State.

Committee Amendment "A" (H-425)

This amendment, which is the majority report of the committee, amends the bill to clarify the prohibition on oil or natural gas exploration, development or production activities as follows.

1. It amends certain definitions to more clearly delineate the activities regulated and to specify that the transfer of oil or natural gas resources to or from the waters of the State, including both onloading and offloading of oil or natural gas resources between an oil terminal facility and a vessel or between vessels, is not prohibited under the bill.

2. It removes language specifically prohibiting exploration, development or production activities that may adversely affect the waters of the State.

Enacted Law Summary

Public Law 2019, chapter 294 prohibits a person from performing or causing to be performed any oil or natural gas exploration, development or production in, on or under the waters of the State.

The enacted law also prohibits the Department of Environmental Protection from permitting, approving or otherwise authorizing any oil or natural gas exploration, development or production in, on or under the waters of the State and prohibits the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry from permitting, approving or otherwise authorizing any oil or natural gas exploration,

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development or production in, on or under the submerged and intertidal land owned by the State.

LD 959 An Act To Increase Funding for the Maine Lakes Society "LakeSmart" Program and the Lake Stewards of Maine Volunteer Lake Monitoring Program PUBLIC 519

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL D	OTP-AM	H-102 S-333 BREEN C

This bill provides increased funding to allow the Department of Environmental Protection to make grants to the Lake Stewards of Maine for the volunteer lake monitoring program and the Maine Lakes Society for the "LakeSmart" education program. This bill also provides funds to the New England Interstate Water Pollution Control Commission for pollution control training programs.

Committee Amendment "A" (H-102)

This amendment increases the annual funding increase proposed in the bill for New England Interstate Water Pollution Control Commission from \$25,000 to \$50,000.

Senate Amendment "A" To Committee Amendment "A" (S-333)

This amendment amends Committee Amendment "A" to reduce by \$75,000 per fiscal year the appropriations in the amended bill.

Enacted Law Summary

Public Law 2019, chapter 519 provides increased funding to allow the Department of Environmental Protection to make grants to the Lake Stewards of Maine for the volunteer lake monitoring program and the Maine Lakes Society for the "LakeSmart" education program. It also provides funds to the New England Interstate Water Pollution Control Commission for pollution control training programs.

LD 975 Resolve, Directing the Department of Environmental Protection To Review and Update Its Report on Emissions from Marine Vessels ONTP

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

This resolve requires the Department of Environmental Protection to review and update its report submitted to the Legislature dated January 15, 2005 and concerning issues related to air emissions from marine vessels. The department is required to present its findings and the updated report by January 15, 2020 to the Joint Standing Committee on Environment and Natural Resources and the Joint Standing Committee on Marine Resources. The committees are authorized to submit legislation to the Second Regular Session of the 129th Legislature.

LD 983 An Act To Exempt from Natural Resources Protection Act Permit Requirements Certain Maintenance and Repairs of Nonhydropower Dams PUBLIC 124

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL D	OTP-AM	H-174

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This bill exempts low-head dams from the permitting requirements for repair under the Natural Resources Protection Act.

Committee Amendment "A" (H-174)

This amendment clarifies that certain maintenance and repairs of nonhydropower dams are exempt from permitting requirements under the Natural Resources Protection Act if certain specified requirements are met.

Enacted Law Summary

Public Law 2019, chapter 124 clarifies that certain maintenance and repairs of nonhydropower dams are exempt from permitting requirements under the Natural Resources Protection Act if certain specified requirements are met.

LD 988 An Act To Reduce the Landfilling of Municipal Solid Waste CARRIED OVER

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

This bill removes the exemption to the municipal solid waste disposal surcharge for municipal solid waste generated by a municipality that owns the landfill accepting it or that has entered into a contract with a term longer than nine months for disposal of municipal solid waste in that landfill facility. The bill also directs the proceeds from the surcharge to the Maine Solid Waste Diversion Grant Program.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1055 An Act To Reduce Fraud in the Redemption of Beverage Containers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BICKFORD B BELLOWS S	ONTP	

This bill amends the State's bottle redemption laws to authorize initiators of deposit subject to a commingling agreement to include in the agreement authorization to conduct audits of beverage containers presented by a dealer or local redemption center for pickup or payment of refund value and to take certain actions against the dealer or local redemption center in the case of a failed audit. The bill also provides for a grievance process whereby a dealer or local redemption center may file a grievance with the Department of Environmental Protection to challenge an action taken by an initiator of deposit in the case of a failed audit.

LD 1080 Resolve, Regarding Biofuel in Heating Oil CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T	OTP-AM	H-148

This resolve directs the Executive Department, Governor's Energy Office to oversee a study of and report to the Joint Standing Committee on Environment and Natural Resources on the feasibility of setting a requirement for the

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percentage of biofuel to be used in No. 2 heating oil.

Committee Amendment "A" (H-148)

This amendment changes the title of the resolve and makes the following additional changes.

1. It broadens the scope of the study to include No. 6 heating oil and kerosene in addition to No. 2 heating oil.
2. It requires consultation with additional state agencies in the development of the study report.
3. It authorizes the Joint Standing Committee on Environment and Natural Resources to report out legislation to implement recommendations contained in the report.
4. It adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1101 An Act To Amend the Shoreland Zoning Laws To Allow Pedestrian Walkways and Trails That Exclude Motorized Vehicles within the Shoreland Zone ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUDERA V LAWRENCE M	ONTP	

This bill amends the shoreland zoning laws to authorize a municipality to adopt an ordinance that exempts pedestrian walkways or trails within the shoreland zone from otherwise applicable setback requirements so long as use of motorized vehicles, other than motorized assistive devices, is prohibited on the walkway or trail and the ordinance maintains certain other protective standards. Any allowed walkway or trail must meet all other state and local permit requirements and comply with all other applicable rules.

LD 1115 An Act To Create Fairness in the Redemption of Beverage Containers ONTP

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

This bill amends the bottle redemption laws to require a dealer to accept from a consumer or other person and to pay the refund value on any beverage container that was sold by the dealer if no approved bottle redemption centers are located within five miles from the property line of the dealer. Subject to prior approval of the Department of Environmental Protection, a dealer shall affix to the beverage containers it sells a sticker or similar device indicating that the beverage container is sold by the dealer and may refuse to accept from a consumer or other person and to pay the refund value on any beverage container that does not have the sticker or similar device affixed to it. A dealer may also limit the hours or days on which it accepts beverage containers for redemption.

Under the bottle redemption laws, a dealer is a person who sells, offers to sell or engages in the sale of beverages in beverage containers to a consumer, and a dealer may, but is not currently required to, accept from a consumer or other person and pay the refund value on any beverage container.

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LD 1121 An Act To Acknowledge Potable Water as a Necessity

PUBLIC 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J GRAMLICH L	OTP	

This bill adds potable water to lists of necessities in the Maine Revised Statutes in laws governing profiteering in necessities, municipal general assistance and supplies for jails.

Enacted Law Summary

Public Law 2019, chapter 126 adds potable water to lists of necessities in the Maine Revised Statutes in laws governing profiteering in necessities, municipal general assistance and supplies for jails.

LD 1287 An Act To Protect the Penobscot River and Penobscot Bay from Mercury Contamination

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J MIRAMANT D	ONTP	

This bill requires dredging in the Penobscot River south of the former HoltraChem Manufacturing Company site in the Town of Orrington and in Penobscot Bay north of the southern tip of Islesboro Island to comply with certain sampling requirements prior to being permitted under the Natural Resources Protection Act.

LD 1320 An Act To Require the Department of Environmental Protection To Provide Natural Resources Protection Act Permits to Affected Municipalities

PUBLIC 181

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J	OTP-AM	H-238

This bill requires that when the Department of Environmental Protection issues a permit under the Natural Resources Protection Act the department must provide a copy of the entire permit to each municipality in which the proposed activity is to occur.

Committee Amendment "A" (H-238)

This amendment clarifies that the Department of Environmental Protection must provide to each municipality in which a proposed activity is to occur a copy of the permitting decision or other authorization or denial when a Natural Resources Protection Act permit is issued or denied or a Natural Resources Protection Act permit by rule is approved or denied. The bill requires the department to provide a copy of the entire permit.

Enacted Law Summary

Public Law 2019, chapter 181 clarifies that the Department of Environmental Protection must provide to each municipality in which a proposed activity is to occur a copy of the permitting decision or other authorization or denial when a Natural Resources Protection Act permit is issued or denied or a Natural Resources Protection Act permit by rule is approved or denied.

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LD 1336 Resolve, Directing the Governor To Renominate Penobscot Bay for Inclusion in the United States Environmental Protection Agency National Estuary Program **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J MIRAMANT D	ONTP	

This resolve directs the Governor to renominate Penobscot Bay for inclusion in the United States Environmental Protection Agency National Estuary Program.

LD 1358 An Act To Further the Public Interest in All Maine Waters **ONTP**

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

This bill explicitly states the State's authority and responsibility over all waters in the State, whether above or below ground, and directs the State to protect, conserve and manage the water in the interest of present and future generations.

LD 1431 Resolve, To Support Municipal Recycling Programs **RESOLVE 42**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M CARSON B	OTP-AM	H-237

This resolve requires the Department of Environmental Protection to develop proposed legislation to establish a new product stewardship program requiring producers of packaging to assist Maine municipalities in managing and financing packaging waste disposal and recycling programs in the State. The proposed legislation is also required to incentivize producers of packaging to design packaging to be recycled or made of recycled content to strengthen the recycling markets. The resolve requires the department to submit the proposed legislation to the Joint Standing Committee on Environment and Natural Resources no later than December 16, 2019.

Committee Amendment "A" (H-237)

This amendment removes from the resolve the emergency preamble and emergency clause and clarifies the scope of the new packaging stewardship program to be developed by the Department of Environmental Protection under the resolve.

Enacted Law Summary

Resolve 2019, chapter 42 requires the Department of Environmental Protection to develop proposed legislation to establish a new product stewardship program requiring producers of packaging to assist Maine municipalities in managing and financing packaging waste disposal and recycling programs in the State. The proposed legislation is also required to incentivize producers of packaging to design packaging to be recycled or made of recycled content to strengthen the recycling markets. The resolve requires the department to submit the proposed legislation to the Joint Standing Committee on Environment and Natural Resources no later than December 16, 2019.

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LD 1433 An Act To Protect the Environment and Public Health by Further Reducing Toxic Chemicals in Packaging

PUBLIC 277

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J FOLEY R	OTP-AM ONTP	H-362

This bill amends the laws regarding the reduction of toxics in packaging to prohibit the sale of food packaging to which phthalates have been intentionally introduced, effective January 1, 2022. It also authorizes the Department of Environmental Protection to by rule prohibit the sale of food packaging to which perfluoroalkyl and polyfluoroalkyl substances, or PFAS, have been intentionally introduced upon a determination by the department that a safer alternative to the intentionally introduced PFAS is available, except that such prohibition may not take effect until January 1, 2022 or two years following the department's determination that a safer alternative is available, whichever is later.

The bill provides an exemption from these prohibitions for a manufacturer of a food or beverage product that has annual national sales of all food and beverage products produced by the manufacturer of less than one billion dollars. It also authorizes the department to designate additional chemicals of concern in food packaging; to require manufacturers of food packaging that use such designated chemicals to report regarding its use of the chemical and the availability of safer alternatives; and to prohibit the sale of food packaging to which a designated chemical of concern has been intentionally introduced if safer alternatives are reasonably available, effective and affordable to the consumer.

Committee Amendment "A" (H-362)

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

1. It clarifies that the sales prohibitions on food packaging containing intentionally introduced perfluoroalkyl and polyfluoroalkyl substances, or PFAS, and phthalates in any amount greater than an incidental presence applies only to sales occurring in the State and clarifies the scope of the exemption to those prohibitions for certain manufacturers of food or beverage products.
2. It provides that any rulemaking by the Department of Environmental Protection to prohibit the sale of food packaging containing intentionally introduced PFAS is major substantive rulemaking and requires the department to adopt by rule such a prohibition upon a determination that a safer alternative to the use of PFAS in a specific application of PFAS to a food package is available.
3. It removes from the bill the provisions authorizing the department to designate by rule additional chemicals of concern in food packaging and instead enacts a new chapter to regulate the use of additional toxic chemicals in food packaging. That new chapter is modeled after the toxic chemicals in children's products law in the Maine Revised Statutes, Title 38, chapter 16-D and incorporates the definitions and criteria from that law into the new chapter, as adapted for application to food packaging.
4. It includes a number of technical changes to the bill as necessary to incorporate the other amendments to the bill included in the amendment.

Enacted Law Summary

Public Law 2019, chapter 277 amends the laws regarding the reduction of toxics in packaging to prohibit the sale of food packaging to which phthalates have been intentionally introduced, effective January 1, 2022. It also authorizes the Department of Environmental Protection to by major substantive rulemaking prohibit the sale of food packaging

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to which perfluoroalkyl and polyfluoroalkyl substances, or PFAS, have been intentionally introduced upon a determination by the department that a safer alternative to the intentionally introduced PFAS is available, except that such prohibition may not take effect until January 1, 2022 or two years following the department's determination that a safer alternative is available, whichever is later. It also provides an exemption from these prohibitions for certain smaller manufacturers.

The enacted law also enacts a new chapter of law to regulate the use of additional toxic chemicals in food packaging. That new chapter is modeled after the toxic chemicals in children's products law in the Maine Revised Statutes, Title 38, chapter 16-D and incorporates the definitions and criteria from that law into the new chapter, as adapted for application to food packaging.

LD 1460 An Act To Support Collection and Proper Disposal of Unwanted Drugs CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G HYMANSON P		

This bill provides for the establishment of drug take-back stewardship programs. It requires certain drug manufacturers, as defined in the bill, to operate a drug take-back stewardship program to collect and dispose of certain drugs.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1467 An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Cellular Telephone Recycling Law PUBLIC 151

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

This bill, which was reported by the Joint Standing Committee on Environment and Natural Resources pursuant to Joint Order 2019, House Paper 883 and then referred back to the committee for processing in the normal course, implements the Department of Environmental Protection's recommendations regarding the State's cellular telephone recycling law as included in the department's annual report on the State's product stewardship programs.

Specifically, the bill amends the State's cellular telephone recycling law to remove the requirement that cellular telephone service providers submit annual reports to the department regarding the collection and disposal, reuse or recycling of used cellular telephones.

Enacted Law Summary

Public Law 2019, chapter 151 amends the State's cellular telephone recycling law to remove the requirement that cellular telephone service providers submit annual reports to the Department of Environmental Protection regarding the collection and disposal, reuse or recycling of used cellular telephones.

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LD 1474 An Act To Ensure Water Equity and Accountability for the People of the State

**Accepted Majority
(ONTP) Report**

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

This bill requires certain governmental entities when issuing permits or licenses and setting rates to evaluate the negative externalities resulting from unique uses of water, such as the bulk exportation of water out of a region.

Committee Amendment "A" (H-390)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

This amendment was not adopted.

LD 1532 An Act To Eliminate Single-use Plastic Carry-out Bags

PUBLIC 346

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STOVER H	OTP-AM OTP-AM	H-378

This bill prohibits a retail establishment from using single-use carry-out bags to bag products at the point of sale or otherwise make single-use carry-out bags available to customers, with exemptions for certain types and uses of plastic and paper bags. Retail establishments may provide recyclable paper bags to bag products at the point of sale for at least 5¢ per bag, with exceptions to the fee requirement for certain types of retail establishments. The prohibition is effective April 22, 2020.

Committee Amendment "A" (H-378)

This amendment, which is the majority report of the committee, requires a retail establishment to charge at least a 5¢ fee for each reusable bag made of plastic and for each recycled paper bag used to bag products at the point of sale. It also clarifies provisions in the bill regarding the implementation of the statewide preemption on single-use carry-out bag regulation and the provision regarding violations of the bag prohibition and bag fees requirements. It makes additional technical changes to clarify the application of existing state law regarding plastic bags and removes language in the bill regarding the application of bag fees to purchasers using the federal supplemental nutrition assistance program or the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1996.

Committee Amendment "B" (H-379)

This amendment, which is the minority report of the committee, provides that the prohibitions and requirements in the bill, as amended, apply only in a participating municipality, which is a municipality that has approved at referendum an article subjecting the municipality to the prohibitions and requirements. The amendment requires a retail establishment in a participating municipality to charge at least a 5¢ fee for each reusable bag made of plastic and for each recycled paper bag used to bag products at the point of sale. It also clarifies provisions in the bill regarding the implementation of the statewide preemption on single-use carry-out bag regulation and the provision regarding violations of the bag prohibition and bag fees requirements. It makes additional technical changes to clarify the application of existing state law regarding plastic bags and removes language in the bill regarding the application of bag fees to purchasers using the federal supplemental nutrition assistance program or the Women,

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Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1996.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-392)

This amendment amends Committee Amendment "A" to change from 4 mils to 2.25 mils the thickness of the plastic bags that qualify as reusable. It also provides that the revenue collected by retail establishments for providing recyclable or reusable bags must be distributed to a conservation organization identified in major substantive rules adopted by the Department of Environmental Protection.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 346 prohibits a retail establishment from using single-use carry-out bags to bag products at the point of sale or otherwise make single-use carry-out bags available to customers, with exemptions for certain types and uses of plastic and paper bags. Retail establishments may provide recyclable paper bags or reusable bags made of plastic to bag products at the point of sale for at least 5¢ per bag, with exceptions to the fee requirement for certain types of retail establishments. The prohibition is effective April 22, 2020.

LD 1594 An Act To Establish a Stewardship Program for Consumer Batteries CARRIED OVER

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

This bill provides for the establishment of a stewardship program for consumer batteries, including both single-use and rechargeable batteries and certain products containing these batteries. Under the bill, a producer of consumer batteries or an organization composed of one or more producers of such batteries must submit a plan for the establishment of a battery stewardship program to the Commissioner of Environmental Protection for approval. Once approved, the program must operate to provide convenient, free statewide collection opportunities for discarded batteries, and the batteries collected through the program must be recycled or otherwise responsibly managed. The bill also amends and repeals existing laws relating to certain battery types to avoid statutory conflict with the stewardship program for consumer batteries.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1628 An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Container Redemption Laws PUBLIC 526

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-461 S-347 BREEN C

This bill, which was reported by the Joint Standing Committee on Environment and Natural Resources pursuant to Joint Order 2019, H.P. 883 and then referred back to the committee for processing in the normal course, implements the Department of Environmental Protection's recommendations regarding the State's container redemption laws as included in the department's annual report on the State's product stewardship programs.

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Specifically, the bill makes a number of changes to the State's container redemption laws including the following.

1. It amends the laws to provide that a dealer of beverage containers with 5,000 or more square feet of retail space must accept beverage container returns unless the dealer has a written agreement with a redemption center located within 10 miles of the dealer, as measured along public roadways, to provide redemption services on the dealer's behalf.
2. It establishes an annual license fee for redemption centers of \$100. The current annual license fee is \$50.
3. It clarifies the ability of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to manage its returned containers as a qualified commingling program.
4. It eliminates the special handling fee for small brewers and bottlers of water.
5. It clarifies the obligation of initiators of deposit to recycle returned beverage containers that the initiator of deposit has picked up or that a third party has picked up on the initiator of deposit's behalf.
6. It clarifies the requirements for qualified commingling agreements under the law, provides for the creation of an additional commingling group to be operated by a third party or stewardship organization and requires all initiators of deposit to enter into a commingling agreement by January 1, 2023.
7. It clarifies licensing standards and other requirements for redemption centers.
8. It clarifies the Department of Environmental Protection's rule-making and administrative authority under the law.
9. It establishes annual reporting requirements for initiators of deposit and for pick-up agents that are not initiators of deposit.
10. It makes a number of terminology changes and other technical changes to the law.

Committee Amendment "A" (H-461)

This amendment amends the bill as follows.

1. It includes a definition for the term "recycling" or "recycle" as applicable to the container redemption laws.
2. It authorizes the Department of Environmental Protection to conduct audits of beverage containers prepared for pickup by pick-up agents at redemption centers and to adopt rules regarding such audits.
3. It amends the bill to provide that a dealer of beverage containers with 5,000 or more square feet of retail space must accept beverage container returns unless the dealer has a written agreement with a redemption center located within 10 miles of the dealer, or with the redemption center in closest proximity to the dealer, to provide redemption services on the dealer's behalf.
4. It retains in the law the exception from the population requirements for licensing of redemption centers by distributors, but removes the exception for food establishments. The bill removed the exception for both food establishments and distributors.
5. It provides that no later than November 1, 2019, each initiator of deposit and each pick-up agent that is not an initiator of deposit must report to the department information regarding its beverage container sales and redemptions for calendar year 2018, which the department must use in developing findings and recommendations for inclusion in

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a report, due January 15, 2020, to the Joint Standing Committee on Environment and Natural Resources. The committee is authorized to report out legislation to implement those recommendations.

Senate Amendment "A" To Committee Amendment "A" (S-347)

This amendment amends Committee Amendment "A" to remove the requirement that each initiator of deposit enter into a commingling agreement no later than January 1, 2023.

Enacted Law Summary

Public Law 2019, chapter 526 makes the following changes to the State's container redemption laws.

1. It amends the laws to provide that a dealer of beverage containers with 5,000 or more square feet of retail space must accept beverage container returns unless the dealer has a written agreement with a redemption center located within 10 miles of the dealer, or with the redemption center in closest proximity to the dealer, to provide redemption services on the dealer's behalf.
2. It establishes an annual license fee for redemption centers of \$100.
3. It clarifies the ability of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to manage its returned containers as a qualified commingling program.
4. It eliminates the special handling fee for small brewers and bottlers of water.
5. It clarifies the obligation of initiators of deposit to recycle returned beverage containers that the initiator of deposit has picked up or that a third party has picked up on the initiator of deposit's behalf.
6. It clarifies the requirements for qualified commingling agreements under the law and provides for the creation of an additional commingling group to be operated by a third party or stewardship organization.
7. It authorizes the Department of Environmental Protection to conduct audits of beverage containers prepared for pickup by pick-up agents at redemption centers and to adopt rules regarding such audits.
8. It clarifies licensing standards and other requirements for redemption centers.
9. It clarifies the Department of Environmental Protection's rule-making and administrative authority under the law.
10. It establishes annual reporting requirements for initiators of deposit and for pick-up agents that are not initiators of deposit.
11. It requires that no later than November 1, 2019, each initiator of deposit and each pick-up agent that is not an initiator of deposit must report to the Department of Environmental Protection information regarding its beverage container sales and redemptions for calendar year 2018, which the department must use in developing findings and recommendations for inclusion in a report, due January 15, 2020, to the Joint Standing Committee on Environment and Natural Resources. The committee is authorized to report out legislation to implement those recommendations.
12. It makes a number of terminology changes and other technical changes to the law.

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LD 1644 An Act To Clarify Conflict of Interest Requirements for the Board of Environmental Protection

PUBLIC 180

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

This bill clarifies when a member of the Board of Environmental Protection may not participate in a review of a permitting or enforcement decision under the federal Clean Air Act.

Enacted Law Summary

Public Law 2019, chapter 180 clarifies when a member of the Board of Environmental Protection may not participate in a review of a permitting or enforcement decision under the federal Clean Air Act.

LD 1649 An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Product Stewardship Program Framework Laws

PUBLIC 227

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-361

This bill, which was reported by the Joint Standing Committee on Environment and Natural Resources pursuant to Joint Order 2019, H.P. 883 and then referred back to the committee for processing in the normal course, implements the Department of Environmental Protection's recommendations regarding the State's product stewardship program framework laws, as included in the department's annual report on the State's product stewardship programs.

Specifically, the bill makes a number of changes to the State's product stewardship program framework laws including the following.

1. It revises program parameters with respect to the establishment of a product collection system, program staffing requirements for producers or stewardship organizations and program costs.
2. It revises the requirements for information to be included in a proposed product stewardship plan, including information on program performance goals and program assessment, collection sites and consumer participation and program financing.
3. It authorizes the department to initiate changes to an approved product stewardship plan upon a determination that the program has failed to make adequate progress toward achieving program goals.
4. It revises annual program reporting requirements for producers and stewardship organizations and amends the authority for legislation of the joint standing committee of the Legislature having jurisdiction over natural resources matters relating to the department's annual product stewardship report.

Committee Amendment "A" (H-361)

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

1. It amends program staffing requirements to allow the Commissioner of Environmental Protection to approve a lesser staffing requirement than the minimum half-time employee required under the bill.

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2. It authorizes the Department of Environmental Protection to recommend in its annual report to the Legislature that a program be required to provide financial incentives or a deposit and refund system.
3. It makes a number of other technical changes to the bill.

Enacted Law Summary

Public Law 2019, chapter 227 makes a number of changes to the State's product stewardship program framework laws including the following.

1. It revises program parameters with respect to the establishment of a product collection system, program staffing requirements for producers or stewardship organizations and program costs.
2. It revises the requirements for information to be included in a proposed product stewardship plan, including information on program performance goals and program assessment, collection sites and consumer participation and program financing.
3. It authorizes the Department of Environmental Protection to initiate changes to an approved product stewardship plan upon a determination that the program has failed to make adequate progress toward achieving program goals.
4. It revises annual program reporting requirements for producers and stewardship organizations and amends the authority for legislation of the joint standing committee of the Legislature having jurisdiction over natural resources matters relating to the department's annual product stewardship report.

**LD 1668 An Act To Implement Recommendations of the Department of
Environmental Protection Regarding the State's Mercury-added Lamp
Law**

PUBLIC 286

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-389

This bill, which was reported by the Joint Standing Committee on Environment and Natural Resources pursuant to Joint Order 2019, H.P. 883 and then referred back to the committee for processing in the normal course, implements the Department of Environmental Protection's recommendations regarding the State's mercury-added lamp law as included in the department's annual report on the State's product stewardship programs.

Specifically, the bill makes a number of changes to the State's mercury-added lamp law, including the following.

1. It amends the scope of mercury-added lamp recycling programs to require acceptance by such programs of mercury-added lamps from covered entities, which are defined in the bill as households, elementary schools or secondary schools located in the State; businesses located in the State that employ 100 or fewer individuals; and nonprofit organizations located in the State that are exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c)(3) and employ 100 or fewer individuals. Under current law, such recycling programs are required to accept mercury-added lamps only from households.
2. It revises the requirements for mercury-added lamp recycling programs, including provisions regarding collection sites and education and outreach efforts, and adds program performance goals.
3. It clarifies the information required to be reported annually to the department by manufacturers of

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mercury-added lamps.

Committee Amendment "A" (H-389)

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

1. It amends the definition in the bill for the term "covered entity" to mean a person who at any one time presents for drop off at a collection location participating in a department-approved program for the recycling of mercury-added lamps any number of compact fluorescent mercury-added lamps or 10 or fewer mercury-added lamps that are not compact fluorescent mercury-added lamps.
2. It amends the collection system requirements under the bill to require that no later than January 1, 2020, the collection system must provide at least 90% of residents with a permanent collection location or nonpermanent collection location available on a periodic basis within 15 miles of their residence.
3. It removes specific consumer awareness requirements in the bill and instead requires that a mercury-lamp recycling program annually increase consumer awareness.
4. It removes from the bill the requirement for a mercury-lamp recycling program to provide a minimum half-time employee dedicated to implementing the program.
5. It provides for payment of a flat program participation fee by manufacturers that have stopped offering for sale or distributing in the State mercury-added lamps.
6. It establishes a threshold for development by the Department of Environmental Protection, with input from manufacturers of mercury-added lamps, of a process to reduce the scope of the manufacturer recycling program and to terminate all program requirements. The department is required to submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding its findings and recommendations for reducing and terminating the program, and the committee is authorized to report out a bill to implement those recommendations.
7. It makes other technical corrections to the bill.

Enacted Law Summary

Public Law 2019, chapter 286 makes a number of changes to the State's mercury-added lamp law, including the following.

1. It amends the scope of mercury-added lamp recycling programs to require acceptance by such programs of mercury-added lamps from covered entities, which are defined in the enacted law bill as persons who at any one time present for drop off at a collection location participating in a Department of Environmental Protection-approved program for the recycling of mercury-added lamps any number of compact fluorescent mercury-added lamps or 10 or fewer mercury-added lamps that are not compact fluorescent mercury-added lamps.
2. It revises the requirements for mercury-added lamp recycling programs, including provisions regarding collection sites and education and outreach efforts, and adds program performance goals.
3. It requires that no later than January 1, 2020, a collection system under a mercury-added lamp recycling program must provide at least 90% of residents with a permanent collection location or nonpermanent collection location available on a periodic basis within 15 miles of their residence.
4. It requires that a mercury-lamp recycling program annually increase consumer awareness.
5. It provides for payment of a flat program participation fee by manufacturers that have stopped offering for sale or

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distributing in the State mercury-added lamps.

6. It clarifies the information required to be reported annually to the department by manufacturers of mercury-added lamps.

7. It establishes a threshold for development by the department, with input from manufacturers of mercury-added lamps, of a process to reduce the scope of the manufacturer recycling program and to terminate all program requirements. The department is required to submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding its findings and recommendations for reducing and terminating the program, and the committee is authorized to report out a bill to implement those recommendations.

LD 1679 An Act To Promote Clean Energy Jobs and To Establish the Maine Climate Council

**PUBLIC 476
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D TUCKER R	OTP-AM	S-221

This bill establishes the Maine Climate Change Council to assist Maine to mitigate, prepare for and adapt to climate change. It also provides that by January 1, 2030, 80% of electricity consumed in the State must come from renewable resources and by January 1, 2050, 100% of electricity consumed in the State must come from renewable resources. It also updates the greenhouse gas emissions reductions required in statute and requires that the state climate action plan be updated by December 1, 2020 and every four years thereafter.

Committee Amendment "A" (S-221)

This amendment changes the title of the bill, adds an emergency preamble and emergency clause and makes the following additional changes to the bill.

1. It removes from the bill provisions regarding requirements for the consumption of electricity from renewable resources.
2. It stipulates an interim greenhouse gas emissions reductions level to be achieved by January 1, 2040, requiring by such date that the greenhouse gas emissions reductions be on a trajectory sufficient to achieve the 2050 annual emissions reductions level in the bill.
3. It clarifies the rule-making authority concerning compliance rules for the greenhouse gas emissions reductions levels required under the bill, specifying that the rules are to be adopted by the Board of Environmental Protection rather than the Department of Environmental Protection and that the rules must be consistent with the updated climate action plan and must be fair and equitable and account for and give significant weight to greenhouse gas emissions reductions already achieved by various sectors.
4. It requires the State's climate action plan update to include development of a clean energy economy transition plan.
5. It amends the Maine Climate Change Council, which is proposed in the bill, as follows.
 - A. It changes the name of the council to the Maine Climate Council.
 - B. It adds as a member of the council the Commissioner of Labor, increasing the total membership to 39.

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- C. It clarifies member compensation and terms of membership, increasing the term for public members from two years to three years.
- D. It clarifies the purpose and makeup of the council's steering committee as well as the designation of the members of the Scientific and Technical Subcommittee and the working groups.
- E. It clarifies the duties and responsibilities of the council, the subcommittee and the working groups.
- F. It removes language from the bill authorizing the subcommittee and the working groups to solicit and accept funding, and instead authorizes the council to conduct all funding solicitation and acceptance.
- G. It requires, beginning January 15, 2021, and annually thereafter, that the council submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters describing the activities of the council, the subcommittee and its working groups over the prior calendar year and including any findings and recommendations of the council, including any proposed legislation. After reviewing the report, the committee may report out legislation to implement any recommendations contained in the report.

It requires that the report also include a list of the amounts and sources of any funds accepted by the council in the prior calendar year, excluding those funds appropriated or allocated by the Legislature, and an indication of whether such outside funds were expended in the prior calendar year and, if expended, the purpose or purposes of the expenditure.

6. It makes a number of other clarifications and technical changes to the bill.

Enacted Law Summary

Public Law 2019, chapter 476 updates the State's greenhouse gas emissions reductions requirements and provides that the state climate action plan be updated by December 1, 2020 and every four years thereafter. It also establishes the Maine Climate Council to assist Maine to mitigate, prepare for and adapt to climate change.

Public Law 2019, chapter 476 was enacted as an emergency measure effective June 26, 2019.

LD 1687 An Act Regarding the Water Quality Certification of Graham Lake on the Union River CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L GROHOSKI N		

This bill provides that for the purposes of water quality certification under the Federal Water Pollution Control Act

1. Graham Lake located in the Union River in the City of Ellsworth may be subject to drawdowns of lake levels of up to 4 feet and still be deemed to meet state water classification standards;
2. The Department of Environmental Protection may not waive water quality certification under the Federal Water Pollution Control Act for the Federal Energy Regulatory Commission license for the Ellsworth Hydroelectric Project and failure of the department to file timely a water quality certification is deemed to be a denial of water quality certification; and
3. The Ellsworth Hydroelectric Project is subject to an involuntary water quality decertification if the project does not provide for a volitional upstream fish passage over both the Graham Lake Dam and Ellsworth Lake Dam within

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10 years of the project's relicensure.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1706 An Act To Ensure Public Notification of Air Quality Violations

PUBLIC 321

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KESSLER C	OTP-AM ONTP	S-189

This bill requires the Department of Environmental Protection to notify an affected municipality when the department issues a notice of violation or initiates an enforcement action relating to an air quality violation.

Committee Amendment "A" (S-189)

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

1. It removes language from the bill requiring the Department of Environmental Protection to notify affected municipalities regarding the department's initiation of an air quality-related enforcement action.
2. It adds language requiring the department to notify affected municipalities regarding the department's receipt of an air quality-related notice of violation from the United States Environmental Protection Agency.
3. It provides that the department may provide the required information to affected municipalities electronically.

Enacted Law Summary

Public Law 2019, chapter 321 requires the Department of Environmental Protection to notify an affected municipality when the department issues a notice of violation or receives an air quality-related notice of violation from the United States Environmental Protection Agency. Such notification may be provided electronically.

LD 1707 An Act To Ensure Accuracy and Reliability of Environmental Testing by Requiring Compliance Testing by 3rd-parties

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KESSLER C	ONTP	

This bill requires the Department of Environmental Protection to include in each license issued by the department a requirement that an independent entity perform testing to determine compliance with the license.

LD 1743 An Act To Reclassify Certain Waters of the State

PUBLIC 333

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ZEIGLER S	OTP-AM	H-462

This bill updates classifications for certain waters based on water quality data.

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Committee Amendment "A" (H-462)

This amendment clarifies the description under the State's water classification program of the portion of the Penobscot River, main stem, from the West Enfield Dam to the Milford Dam and the Stillwater Branch.

Enacted Law Summary

Public Law 2019, chapter 333 updates classifications for certain waters based on water quality data.

LD 1750 An Act To Establish Appliance Energy and Water Standards CARRIED OVER

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

This bill enacts the Appliance Energy and Water Standards Act to be implemented, administered and enforced by the Department of Environmental Protection. The Act generally provides that, beginning January 1, 2021, a person is prohibited from selling or offering for sale in the State certain appliances and products unless they meet or exceed applicable energy and water standards adopted by rule by the department. Beginning January 1, 2022, a person is prohibited from installing for compensation in the State any of those appliances or products.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1775 An Act To Protect Sustenance Fishing PUBLIC 463

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S JACKSON T	OTP-AM	H-490

This bill creates a sustenance fishing designated use as a subcategory of the applicable fishing designated use for certain specified water body segments within Maine's water classification program where there is or may be sustenance fishing or increased fish consumption by members of the Indian tribes in Maine or other Maine citizens. This bill also requires that the Department of Environmental Protection adopt routine technical rules no later than March 1, 2020 that calculate and establish water quality criteria protective of human health for toxic pollutants and the sustenance fishing designated use as established by this bill. This bill limits the scope of the sustenance fishing designated use created by this bill by providing that, for all purposes, the sustenance fishing designated use created by this bill is deemed protected through water quality criteria for human health calculated and established for the identified water body segments.

Committee Amendment "A" (H-490)

To ensure proper application of the sustenance fishing designated use proposed in the bill, this amendment amends the bill by updating the classifications for certain waters based on water quality data and by clarifying the description of certain water body segments.

This bill as amended creates a sustenance fishing designated use as a subcategory of the applicable fishing designated use for certain specified water body segments within Maine's water classification program where there is or may be sustenance fishing or increased fish consumption by members of the Indian tribes in Maine or other

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Maine citizens. This bill as amended also requires that the Department of Environmental Protection adopt routine technical rules no later than March 1, 2020 that calculate and establish water quality criteria protective of human health for toxic pollutants and the sustenance fishing designated use as established by this bill. This bill as amended limits the scope of the sustenance fishing designated use created by this bill by providing that, for all purposes, including for the purposes of the State's water classification program, the federal Clean Water Act and related rules, regulations and guidance, the sustenance fishing designated use created by this bill as amended is deemed protected through water quality criteria for human health calculated and established for the identified water body segments using, in addition to the other assumptions used in developing human health criteria generally under the Maine Revised Statutes, Title 38, section 420, subsection 2 and rules adopted by the department, a fish consumption rate of 200 grams per day and a cancer risk level of one in 1,000,000, except for inorganic arsenic, the risk level for which is governed by Title 38, section 420, subsection 2, paragraph J. The designation in this bill as amended of specific waters subject to a sustenance fishing designated use is not intended to preclude a future designation of other such waters through a similar legislative process or as otherwise provided by law.

All aspects of this bill as amended, including the sustenance fishing designated use and the identification of specific water body segments subject to that use, are intended to have meaning and effect within the State's water classification program only and for purposes of calculating and establishing water quality criteria for human health sufficient to protect the sustenance fishing designated use only. Nothing in this bill as amended or the sustenance fishing designated use it establishes is intended to apply to or affect discharges of mercury, which are governed exclusively by separate provisions of law, including Title 38, section 420, subsection 1-B and section 413, subsection 11. This bill as amended changes the human health ambient criterion specified in Title 38, section 420, subsection 1-B, paragraph A, subparagraph (2) to reflect the 200 grams per day fish consumption rate that the Department of Environmental Protection is directed to use when deriving human health criteria for toxic pollutants to protect the sustenance fishing designated use; however, this change is not intended to affect the mercury discharge limits set forth in Title 38, section 420, subsection 1-B and section 413, subsection 11. Nothing in this bill as amended is intended to alter or affect in any way any provision of any of the State's state and federal Indian settlement acts, including the state Indian settlement acts in Title 30, chapters 601 and 603. No part of this bill as amended is intended to relate to or affect in any way any claims or disputes regarding any definition of Indian country, territory, lands, waters, reservations or rights of any kind under any other provision of state or federal law. No part of this bill as amended is intended to create or limit any right or protection under any other state or federal law, including the federal Clean Water Act, except as described in this summary, or any state or federal Indian settlement law or act, or create in any way a right to any particular quantity or quality of fish. The sole intent of this bill as amended is to establish a sustenance fishing designated use that is deemed protected for all purposes through water quality criteria for human health calculated and established through routine technical rulemaking using a specific minimum fish consumption rate and specified cancer risk levels for the waters expressly identified in the State's water classification program, which criteria are applicable for the purposes of the State's water classification program and the federal Clean Water Act.

Enacted Law Summary

Public Law 2019, chapter 463 creates a sustenance fishing designated use as a subcategory of the applicable fishing designated use for certain specified water body segments within Maine's water classification program where there is or may be sustenance fishing or increased fish consumption by members of the Indian tribes in Maine or other Maine citizens. The law also requires that the Department of Environmental Protection adopt routine technical rules no later than March 1, 2020 that calculate and establish water quality criteria protective of human health for toxic pollutants and the sustenance fishing designated use as established by this bill. The law limits the scope of the sustenance fishing designated use created by this bill by providing that, for all purposes, the sustenance fishing designated use created by this bill is deemed protected through water quality criteria for human health calculated and established for the identified water body segments.

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LD 1776 An Act To Reduce the Membership of the Clean-up and Response Fund Review Board PUBLIC 314

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R	OTP-AM	S-210

This bill reduces the membership of the Clean-up and Response Fund Review Board from 14 to nine members and amends quorum requirements and the membership of the board's appeals panel.

Committee Amendment "A" (S-210)

This amendment retains as a member of the Clean-up and Response Fund Review Board the member familiar with oil spill technology, which the bill removes, and instead removes the member representing marine fisheries interests, which the bill retains.

Enacted Law Summary

Public Law 2019, chapter 314 reduces the membership of the Clean-up and Response Fund Review Board from 14 to 9 members and amends quorum requirements and the membership of the board's appeals panel.

LD 1777 An Act To Add Rivers, Streams and Brooks to the Department of Environmental Protection's Compensation Fee Program CARRIED OVER

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

This bill adds rivers, streams and brooks to the list of protected natural resources for which the Department of Environmental Protection may develop a compensation fee program. The bill also removes a statutory requirement that the department, when developing a compensation fee program, consult with the Department of Agriculture, Conservation and Forestry and the Department of Inland Fisheries and Wildlife.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1779 An Act To Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems CARRIED OVER

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

This bill authorizes the Department of Environmental Protection to establish standards through routine technical rulemaking for operation and maintenance and asset management for publicly owned treatment works and municipal satellite collection systems.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 1780 An Act To Support Replacement of At-risk Home Heating Oil Tanks

CARRIED OVER

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

This bill increases opportunities for property owners to replace at-risk home heating oil tanks by authorizing money in the Maine Ground and Surface Waters Clean-up and Response Fund to be disbursed for loans and grants for department-approved rebate programs to retrofit, repair, replace or remove aboveground and underground oil storage tanks and associated piping at residential dwellings.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1781 An Act To Allow the Board of Environmental Protection To Make Changes through Routine Technical Rulemaking to Federally Based Screening Levels for the Beneficial Use of Solid Waste

CARRIED OVER

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

This bill allows the Board of Environmental Protection to make changes to its rules regarding federally based screening levels for the beneficial use of solid waste as routine technical rulemaking pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1784 An Act To Increase Land Permit by Rule Application Fees

PUBLIC 374

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L	OTP-AM	H-502 H-542 TUCKER R

This bill increases the processing fee for a Board of Environmental Protection permit by rule application from \$50 to \$250.

Committee Amendment "A" (H-502)

This amendment adds an emergency preamble and emergency clause to the bill and an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-542)

This amendment removes the emergency preamble and the emergency clause. It also amends the appropriations and allocations section.

Enacted Law Summary

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Public Law 2019, chapter 374 increases the processing fee for a Board of Environmental Protection permit by rule application from \$50 to \$250.

LD 1786 An Act To Update Maine's Sales Prohibition on Upholstered Furniture Treated with Flame-retardant Chemicals CARRIED OVER

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

This bill amends the law restricting the sale of residential upholstered furniture treated with flame-retardant chemicals to align Maine's requirements with standards recently enacted in California. The bill also specifies that the Department of Environmental Protection is authorized, rather than required, to adopt rules to implement the section of law governing residential upholstered furniture.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1789 An Act To Restore the Authority of the Board of Environmental Protection PUBLIC 315

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

This bill amends the responsibilities and duties of the Board of Environmental Protection as follows.

1. It moves all rulemaking authority of the Department of Environmental Protection to the board.
2. It adds to the board's enforcement responsibilities the duty to approve administrative consent agreements and to advise the commissioner on enforcement priorities and activities and on the adequacy of penalties and enforcement activities.
3. It includes transition language to provide for the orderly transition of the rulemaking authority and for procedures pending before the department on the effective date of this legislation.

Enacted Law Summary

Public Law 2019, chapter 315 amends the responsibilities and duties of the Board of Environmental Protection as follows.

1. It moves all rulemaking authority of the Department of Environmental Protection to the board.
2. It adds to the board's enforcement responsibilities the duty to approve administrative consent agreements and to advise the commissioner on enforcement priorities and activities and on the adequacy of penalties and enforcement activities.
3. It includes transition language to provide for the orderly transition of the rulemaking authority and for procedures pending before the department on the effective date of the law.

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LD 1802 An Act To Make Minor Changes and Corrections to Statutes Administered by or Concerning the Department of Environmental Protection **ONTP**

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

This bill makes minor adjustments to laws administered by or that affect the Department of Environmental Protection. The bill authorizes laboratories operated by a waste discharge facility to analyze waste discharges for Enterococcus without being certified under a state laboratory certification or accreditation program. It changes the timelines regarding appeals under the laws governing uncontrolled hazardous substance sites. It changes the rule-making authority from the Board of Environmental Protection to the Commissioner of Environmental Protection for certain rules regarding waste management.

LD 1823 An Act To Allow a Float Haul-out or Marine Way within Shoreland Zone Setbacks **CARRIED OVER**

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

This bill provides that a float haul-out or marine way is a functionally water-dependent use allowed in the shoreland zone.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1832 An Act To Ensure Adequate Funding for the Maine Pollutant Discharge Elimination System and Waste Discharge Licensing Program **CARRIED OVER**

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

This bill increases the annual waste discharge license fee for certain categories of existing discharges by 40% from the 2018 bill amount, and the annual discharge license fee for certain categories of new discharges by 40% from the amount indicated in the Department of Environmental Protection fee schedule effective November 1, 2018 to October 31, 2019.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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SUBJECT INDEX

Air Quality

Enacted

LD 1706 An Act To Ensure Public Notification of Air Quality Violations PUBLIC 321

Not enacted

LD 221 An Act To Reduce the Cost of Automobile Repairs by Eliminating the Aftermarket Catalytic Converter Requirement ONTP

LD 975 Resolve, Directing the Department of Environmental Protection To Review and Update Its Report on Emissions from Marine Vessels ONTP

Beverage Containers

Enacted

LD 248 An Act To Increase the Handling Fee for Beverage Containers Reimbursed to Redemption Centers PUBLIC 133
EMERGENCY

LD 338 An Act To Allow Flexibility in the Deposit Labeling of Metal Returnable Beverage Containers PUBLIC 11

LD 1628 An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Container Redemption Laws PUBLIC 526

Not Enacted

LD 61 An Act To Improve the Maine Bottle Redemption Process ONTP

LD 87 An Act To Increase the Bottle Redemption Deposit ONTP

LD 93 An Act To Amend the Laws Governing Bottle Redemption To Counterbalance for Redemption Centers the Increase in Minimum Wage ONTP

LD 360 An Act To Increase the Reimbursement to Bottle Redemption Centers ONTP

LD 377	An Act To Protect Small Redemption Centers	ONTP
LD 378	An Act To Amend Maine's Bottle Deposit Law	ONTP
LD 426	An Act To Increase the Beverage Container Redemption Reimbursement To Offset Minimum Wage Increases	ONTP
LD 575	An Act To Increase the Bottle Redemption Deposit and the Amount Retained by Bottle Redemption Centers	ONTP
LD 579	An Act To Update Beverage Container Deposits and Redemption Values	ONTP
LD 1055	An Act To Reduce Fraud in the Redemption of Beverage Containers	ONTP
LD 1115	An Act To Create Fairness in the Redemption of Beverage Containers	ONTP

Board of Environmental Protection

Enacted

LD 1644	An Act To Clarify Conflict of Interest Requirements for the Board of Environmental Protection	PUBLIC 180
LD 1789	An Act To Restore the Authority of the Board of Environmental Protection	PUBLIC 315

Climate Change

Enacted

LD 1679	An Act To Promote Clean Energy Jobs and To Establish the Maine Climate Council	PUBLIC 476 EMERGENCY
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Not Enacted

LD 565	An Act To Establish the Maine Coastal Risks and Hazards Commission	ONTP
LD 590	An Act To Promote Climate Resiliency Measures To Protect Beaches and Near-shore Infrastructure	ONTP

Coastal Areas

Not Enacted

LD 559	An Act To Restore Regular Mapping of Eelgrass Beds in the State	CARRIED OVER
LD 774	An Act To Protect Maine's Beaches and Shoreline	CARRIED OVER
LD 1336	Resolve, Directing the Governor To Renominate Penobscot Bay for Inclusion in the United States Environmental Protection Agency National Estuary Program	ONTP

Dams

Not Enacted

LD 1687	An Act Regarding the Water Quality Certification of Graham Lake on the Union River	CARRIED OVER
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Department of Environmental Protection

Not Enacted

LD 1802	An Act To Make Minor Changes and Corrections to Statutes Administered by or Concerning the Department of Environmental Protection	ONTP
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Drinking Water

Enacted

LD 1121	An Act To Acknowledge Potable Water as a Necessity	PUBLIC 126
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Environmental Regulation

Not Enacted

LD 327	An Act To Revise Maine's Environmental Laws	CARRIED OVER
LD 951	An Act To Improve the Research Capabilities of State Agencies	CARRIED OVER
LD 952	An Act To Coordinate and Standardize Data Collection Protocols	CARRIED OVER
LD 1750	An Act To Establish Appliance Energy and Water Standards	CARRIED OVER

Greenhouse Gases

Not Enacted

LD 640	Resolve, To Require a Study of Greenhouse Gas Emissions Reductions from the Proposed Central Maine Power Company Transmission Corridor	Died Between Houses
LD 797	An Act To Limit Greenhouse Gas Pollution and Effectively Use Maine's Natural Resources	ONTP
LD 818	An Act To Reduce Greenhouse Gas Emissions	ONTP
LD 893	An Act To Create an Updated Unified Maine Climate Action Plan	ONTP

Groundwater

Not Enacted

LD 197	An Act To Convene a Working Group To Authorize a Public Trust for Maine's Groundwater and To Impose a 2-year Moratorium on Large-scale Groundwater Extraction	ONTP
LD 413	An Act To Ensure the Rights of Citizens to Groundwater in the State	ONTP
LD 1358	An Act To Further the Public Interest in All Maine Waters	ONTP
LD 1474	An Act To Ensure Water Equity and Accountability for the People of the State	Majority (ONTP) Report

Licensing/Permitting

Enacted

LD 1784	An Act To Increase Land Permit by Rule Application Fees	PUBLIC 374
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Not Enacted

LD 1707	An Act To Ensure Accuracy and Reliability of Environmental Testing by Requiring Compliance Testing by 3rd-parties	ONTP
LD 1832	An Act To Ensure Adequate Funding for the Maine Pollutant Discharge Elimination System and Waste Discharge Licensing Program	CARRIED OVER

Natural Resources Protection Act

Enacted

LD 983	An Act To Exempt from Natural Resources Protection Act Permit Requirements Certain Maintenance and Repairs of Nonhydropower Dams	PUBLIC 124
LD 1320	An Act To Require the Department of Environmental Protection To Provide Natural Resources Protection Act Permits to Affected Municipalities	PUBLIC 81

Not Enacted

LD 1287	An Act To Protect the Penobscot River and Penobscot Bay from Mercury Contamination	ONTP
LD 1777	An Act To Add Rivers, Streams and Brooks to the Department of Environmental Protection's Compensation Fee Program	CARRIED OVER

Oil/Fuel

Enacted

LD 274	An Act To Allow the Sale of Ethanol-free Gasoline Statewide	PUBLIC 55
LD 281	Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 27 EMERGENCY
LD 955	An Act To Prohibit Offshore Oil and Natural Gas Drilling and Exploration	PUBLIC 294
LD 1776	An Act To Reduce the Membership of the Clean-up and Response Fund Review Board	PUBLIC 314

Not Enacted

LD 822	An Act To Prohibit the Sale of Motor Fuel Containing More than 10% Ethanol	Veto Sustained
LD 1080	Resolve, Regarding Biofuel in Heating Oil	CARRIED OVER
LD 1780	An Act To Support Replacement of At-risk Home Heating Oil Tanks	CARRIED OVER

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Enacted

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LD 1431	Resolve, To Support Municipal Recycling Programs	RESOLVE 42
LD 1467	An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Cellular Telephone Recycling Law	PUBLIC 151
LD 1649	An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Product Stewardship Program Framework Laws	PUBLIC 227
LD 1668	An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Mercury-added Lamp Law	PUBLIC 286

Not Enacted

LD 544	An Act To Create Extended Producer Responsibility for Post-consumer Waste Generated from the Use of Tobacco Products	CARRIED OVER
LD 1460	An Act To Support Collection and Proper Disposal of Unwanted Drugs	CARRIED OVER
LD 1594	An Act To Establish a Stewardship Program for Consumer Batteries	CARRIED OVER

Shoreland Zoning

Enacted

LD 562	An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities	PUBLIC 40
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Not Enacted

LD 582	An Act To Increase Vegetative Buffers in the Shoreland Zone	Leave to Withdraw Pursuant to Joint Rule 310
LD 1101	An Act To Amend the Shoreland Zoning Laws To Allow Pedestrian Walkways and Trails That Exclude Motorized Vehicles within the Shoreland Zone	ONTP
LD 1823	An Act To Allow a Float Haul-out or Marine Way within Shoreland Zone Setbacks	CARRIED OVER

Solid Waste

Enacted

- LD 112 **An Act To Implement Changes to Maine's Solid Waste Laws Pursuant to a Review of the State Waste Management and Recycling Plan** **PUBLIC 291**
- LD 603 **An Act To Amend the Laws Governing Funding for Landfill Closure Costs** **PUBLIC 93**

Not Enacted

- LD 356 **An Act To Sustain Maine's Forest Products Industry by Implementing Certain Existing Solid Waste Management Policies** **Leave to Withdraw Pursuant to Joint Rule 310**
- LD 401 **An Act To Preserve State Landfill Capacity and Promote Recycling** **CARRIED OVER**
- LD 524 **Resolve, Regarding the Promotion of Composting** **ONTP**
- LD 988 **An Act To Reduce the Landfilling of Municipal Solid Waste** **CARRIED OVER**
- LD 1781 **An Act To Allow the Board of Environmental Protection To Make Changes through Routine Technical Rulemaking to Federally Based Screening Levels for the Beneficial Use of Solid Waste** **CARRIED OVER**

Subdivisions

Enacted

- LD 550 **An Act To Amend the Definition of "Subdivision" in the Laws Governing Planning and Land Use Regulation for Subdivisions and a Provision Excepting the Division of a New or Existing Structure from Those Laws Beginning July 1, 2018** **PUBLIC 174**

Toxic Chemicals

Enacted

- LD 906 **An Act Concerning Pavement Sealing Products** **PUBLIC 493**
- LD 1433 **An Act To Protect the Environment and Public Health by Further Reducing Toxic Chemicals in Packaging** **PUBLIC 277**

Not Enacted

- LD 1786 **An Act To Update Maine's Sales Prohibition on Upholstered Furniture Treated with Flame-retardant Chemicals** **CARRIED OVER**

Wastes

Enacted

LD 289	An Act To Prohibit the Use of Certain Disposable Food Service Containers	PUBLIC 62
LD 1532	An Act To Eliminate Single-use Plastic Carry-out Bags	PUBLIC 346

Not Enacted

LD 102	An Act To Improve the Manufacturing of Plastic Bottles and Bottle Caps	CARRIED OVER
LD 505	An Act To Require the Use of Reusable Food Ware at Eating Establishments	ONTP
LD 621	An Act To Prohibit Extruded Polystyrene Food Service Containers	ONTP
LD 937	An Act Regarding the Sale and Release or Abandonment of Balloons	Died Between Houses

Wastewater

Enacted

LD 216	An Act To Protect Water Quality by Standardizing the Law Concerning Septic Inspection in the Shoreland Zone	PUBLIC 43
LD 543	Resolve, To Facilitate the Protection of Public Health through Increased Subsurface Wastewater Inspections	RESOLVE 13

Not Enacted

LD 319	An Act To Standardize the Laws Concerning Property Transfers and To Protect Water Quality	ONTP
LD 1779	An Act To Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems	CARRIED OVER

Water Quality

Enacted

LD 959	An Act To Increase Funding for the Maine Lakes Society "LakeSmart" Program and the Lake Stewards of Maine Volunteer Lake Monitoring Program	PUBLIC 519
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LD 1743	An Act To Reclassify Certain Waters of the State	PUBLIC 333
LD 1775	An Act To Protect Sustenance Fishing	PUBLIC 463

Waterbodies

Enacted

LD 817	An Act To Advance the Restoration of the Penobscot River	PUBLIC 72
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Not Enacted

LD 450	An Act To Increase Funding for the St. Croix International Waterway Commission	CARRIED OVER
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