

STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

**SPECIAL NOTICE REGARDING
COVID-19 PANDEMIC**

As a result of the COVID-19 Pandemic, the Second Regular Session of the 129th Legislature adjourned on March 17, 2020, nearly a month prior to the statutory adjournment date of April 15, 2020. Before adjourning, the Legislature passed Joint Order, S.P. 788:

“ORDERED, the House concurring, that all matters not finally disposed of upon the adjournment sine die of the Second Regular Session of the 129th Legislature be carried over, in the same posture, to any special session of the 129th Legislature.”

The “matters not finally disposed of” were in many different postures upon adjournment. In this digest, at the end of each summary of a bill that was carried over by S.P. 788, there is an indication of the posture of the bill at the time of adjournment.

No special session has been held as of the publication of the Digest and none is anticipated, so all bills carried over are expected to die upon the conclusion of the 129th Legislature. However, after the Second Regular Session adjourned and in preparation for the possibility of a special session, a number of committees met and considered a number of bills in their possession. One hundred and sixty bills were acted upon in some way by committees (voted or reported out), among them several new bills that were printed and referred to committee, worked and reported out. **Appendix A** provides a list of the bills that were voted or reported out of committees after the Second Regular Session adjourned.

Joint Standing Committee on Environment and Natural Resources

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 MIRAMANTD		

This bill was carried over from the First Regular Session of the 129th Legislature.

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

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

LD 327 An Act To Revise Maine's Environmental Laws

Leave to Withdraw Pursuant to Joint Rule

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

This bill was carried over from the First Regular Session of the 129th Legislature.

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

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

PUBLIC 619

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R GRATWICK G	OTP-AM	H-712

This bill was carried over from the First Regular Session of the 129th Legislature.

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

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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 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.

Committee Amendment "A" (H-712)

This amendment replaces the bill, which is a concept draft. The amendment adds definitions to the State's solid waste management laws for the terms "recycling facility" and "waste generated within the State" and amends certain other related definitions and provisions within the solid waste management laws consistent with those new definitions. It also provides that at least 50% of the waste characterized as recycled by a solid waste processing facility that generates residue requiring disposal must have been reused or recycled through methods other than landfilling but includes specific alternative provisions applicable to certain solid waste processing facilities that process exclusively construction and demolition debris.

Enacted Law Summary

Public Law 2019, chapter 619 adds definitions to the State's solid waste management laws for the terms "recycling facility" and "waste generated within the State" and amends certain other related definitions and provisions within the solid waste management laws consistent with those new definitions. It also provides that at least 50% of the

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waste characterized as recycled by a solid waste processing facility that generates residue requiring disposal must have been reused or recycled through methods other than landfilling but includes specific alternative provisions applicable to certain solid waste processing facilities that process exclusively construction and demolition debris.

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 was carried over from the First Regular Session of the 129th Legislature.

This bill provides an additional \$25,000 per fiscal year to the St. Croix International Waterway Commission but only if 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 carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over on the Special Appropriations Table.

LD 544 An Act Regarding Tobacco Product Waste PUBLIC 620

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUMEL	OTP-AM	H-756

This bill was carried over from the First Regular Session of the 129th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a system under which producers of tobacco products develop, finance and implement stewardship programs to collect, transport, process and safely dispose of post-consumer tobacco waste to reduce, prevent and mitigate the environmental effects of the disposal of that waste in the State. 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;
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

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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, 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.

Committee Amendment "A" (H-756)

This amendment changes the title of and replaces the bill, which is a concept draft. It amends the State's litter laws,

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to clarify that waste materials resulting from or associated with the use of tobacco products, including, but not limited to, cigarette butts, constitute litter under the law.

Enacted Law Summary

Public Law 2019, chapter 620 amends the State's litter laws to clarify that waste materials resulting from or associated with the use of tobacco products, including, but not limited to, cigarette butts, constitute litter under the law.

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 was carried over from the First Regular Session of the 129th Legislature.

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 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 carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over on the Special Appropriations Table.

LD 774 Resolve, To Protect Maine's Beaches and Shoreline HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L FOLEY R	OTP-AM	H-711

This bill was carried over from the First Regular Session of the 129th Legislature.

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

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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.

Committee Amendment "A" (H-711)

This amendment replaces the bill with a resolve and changes the title. The resolve directs the Department of Environmental Protection 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 pursuant to Resolve 2015, chapter 66, and to identify and, where necessary and appropriate, develop strategies, legislation or other actions to assist municipalities in the mitigation of coastal erosion in the State and to keep the State's beaches healthy for protection against storms, for habitat protection for coastal wildlife species and for recreational uses.

The department is required by January 15, 2021 to report its findings and recommendations following that review, including any proposed legislation necessary to implement those recommendations, to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, which is authorized to report out related legislation.

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

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

This bill was carried over from the First Regular Session of the 129th Legislature.

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

LD 952 An Act To Coordinate and Standardize Data Collection Protocols ONTP

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

This bill was carried over from the First Regular Session of the 129th Legislature.

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

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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 was carried over from the First Regular Session of the 129th Legislature.

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

LD 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 was carried over from the First Regular Session of the 129th Legislature.

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 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 #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 resolve was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over on the Special Appropriations Table.

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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 was carried over from the First Regular Session of the 129th Legislature.

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

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

ONTP

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

This bill was carried over from the First Regular Session of the 129th Legislature.

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.

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

ONTP

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

This bill was carried over from the First Regular Session of the 129th Legislature.

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;

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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 10 years of the project's relicensure.

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>
PLUECKERB CARSON B	OTP-AM ONTP	

This bill was carried over from the First Regular Session of the 129th Legislature.

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.

Committee Amendment "A" (H-741)

This amendment, which is the majority report of the committee, replaces the bill and provides that, beginning January 1, 2022, a person may not sell or offer for sale in the State any of the following new products that are manufactured on or after January 1, 2022 and that were prohibited from sale in the State of California under its appliance efficiency regulations, as those regulations were in effect on January 1, 2020: computers and computer monitors; general service lamps; commercial hot food holding cabinets; plumbing fittings that are showerheads, lavatory faucets, kitchen faucets, public lavatory faucets, metering faucets, kitchen replacement aerators and lavatory replacement aerators; plumbing fixtures that are water closets and urinals; portable electric spas; spray sprinkler bodies; and water dispensers. The Governor's Energy Office is required to enforce this prohibition, and fines for a violation of the prohibition are specified. The office is authorized to enter into a memorandum of understanding or other formalized agreement with the Efficiency Maine Trust for the provision of technical assistance by the trust to consumers and businesses regarding this prohibition. The office is also required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters describing any recent or anticipated changes to the California appliance efficiency regulations and including recommendations as to whether, based on such changes or for other specified reasons, the state provision requires amendment. The amendment adds an appropriations and allocations section.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over in the Senate.

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

PUBLIC 581

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEYR	OTP-AM	S-385

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This bill was carried over from the First Regular Session of the 129th Legislature.

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.

Committee Amendment "A" (S-385)

This amendment amends the bill by clarifying the state and federal resource agencies that the Department of Environmental Protection has to consult with in developing a compensation fee program. It also makes a number of technical corrections to the compensation fee program statute necessitated by the addition of rivers, streams and brooks to the list of protected natural resources for which the department may develop a compensation fee program, as provided for in the bill.

Enacted Law Summary

Public Law 2019, chapter 581 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.

LD 1779	An Act To Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems	PUBLIC 582
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM	H-677

This bill was carried over from the First Regular Session of the 129th Legislature.

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.

Committee Amendment "A" (H-677)

This amendment designates as major substantive rules the rules the Department of Environmental Protection may adopt establishing standards for operation and maintenance and asset management for publicly owned treatment works and municipal satellite collection systems.

Enacted Law Summary

Public Law 2019, chapter 582 authorizes the Department of Environmental Protection to establish standards through major substantive rulemaking for operation and maintenance and asset management for publicly owned treatment works and municipal satellite collection systems.

LD 1780	An Act To Support Replacement of At-risk Home Heating Oil Tanks	PUBLIC 583
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM	H-678

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This bill was carried over from the First Regular Session of the 129th Legislature.

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.

Committee Amendment "A" (H-678)

This amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 583 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.

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

This bill was carried over from the First Regular Session of the 129th Legislature.

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

LD 1786	An Act To Update Maine's Sales Prohibition on Upholstered Furniture Treated with Flame-retardant Chemicals	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J	ONTP	

This bill was carried over from the First Regular Session of the 129th Legislature.

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.

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This resolve directs the Department of Environmental Protection to study methods to measure and estimate air emissions from fixed-roof, heated aboveground petroleum storage tanks and methods to control odor and other air emissions from emission sources at oil terminal facilities. The department is required to submit a report by January 1, 2021 to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, which may submit legislation to the First Regular Session of the 130th Legislature.

Committee Amendment "A" (S-415)

This amendment, which is the majority report of the committee, changes the title of the resolve and language in the resolve to broaden the scope of the study to all aboveground petroleum storage tanks instead of just fixed-roof, heated tanks. The amendment also requires the Department of Environmental Protection, as part of the study required in the resolve, to identify methods or programs for assisting municipalities in the use and application of mobile air quality monitoring devices to identify the release of hazardous air pollutants from aboveground petroleum storage tanks. It also requires the department to include recommendations for these identified methods or programs in its required report.

Enacted Law Summary

Resolve 2019, chapter 128 directs the Department of Environmental Protection to study methods to measure and estimate air emissions from aboveground petroleum storage tanks and methods to control odor and other air emissions from emission sources at oil terminal facilities. The department is required to submit a report by January 1, 2021 to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, which may submit legislation to the First Regular Session of the 130th Legislature.

LD 1923 An Act To Define as a Hazardous Substance under Maine Law Any CARRIED OVER
Substance Defined under Federal Law as a Hazardous Substance,
Pollutant or Contaminant

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

This bill amends the definition of "hazardous substance" in the laws governing uncontrolled hazardous substance sites by including substances defined as hazardous substances or pollutants or contaminants under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Committee Amendment "A" (H-753)

This amendment, which is the majority report of the committee, changes the title of the bill, retains the provision of the bill that adds a new definition to the term "hazardous substance" under the State's uncontrolled hazardous substance sites law and makes the following additional changes.

1. It provides a limited exemption from liability for publicly owned treatment works based on the contribution by the publicly owned treatment works of effluent or sewage sludge to an uncontrolled hazardous substance site.
2. It provides a limited exemption from liability for public water systems based on the contribution by the public water system of water treatment residuals to an uncontrolled hazardous substance site.
3. It requires that, on or before January 15, 2022, the Department of Environmental Protection report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding the investigation or removal of hazardous substances that are pollutants or contaminants at certain uncontrolled hazardous substance sites.

Joint Standing Committee on Environment and Natural Resources

Committee Amendment "B" (H-754)

This amendment, which is the minority report of the committee, changes the title of the bill, replaces the bill and makes the following changes to the State's uncontrolled hazardous substance sites law.

1. It amends the definition of "hazardous substance" to include perfluoroalkyl and polyfluoroalkyl substances and residual substances relating to the illegal manufacture of methamphetamine and other synthetic drugs.
2. It adds definitions for the terms "pollutant or contaminant" and "uncontrolled pollutant or contaminant site." It provides the Department of Environmental Protection with authority to investigate, take control of, secure and take other action regarding substances that are pollutants or contaminants at uncontrolled pollutant or contaminant sites, including the removal of such substances. Under the amendment, the costs of such state actions incurred in the investigation, mitigation, cleanup and other related activities of substances that are pollutants or contaminants are to be borne by the State and not by any individual parties associated with the uncontrolled pollutant or contaminant site or with the substances at the site.
3. It provides a limited exemption from liability for publicly owned treatment works based on the contribution by the publicly owned treatment works of effluent or sewage sludge to an uncontrolled hazardous substance site.
4. It provides a limited exemption from liability for public water systems based on the contribution by the public water system of water treatment residuals to an uncontrolled hazardous substance site.

The amendment requires that, on or before January 15, 2022, the Department of Environmental Protection report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding the investigation or removal of hazardous substances at certain uncontrolled hazardous substance sites and the investigation or removal of substances that are pollutants or contaminants at certain uncontrolled pollutant or contaminant sites.

This bill was carried over to any special session of the 129th Legislature by joint order, S.P. 788. It was carried over in the Senate.

LD 1942 An Act To Protect Water Quality by Requiring Additional Disclosures to Purchasers of Consumer Fireworks Regarding Safe and Proper Use

PUBLIC 646

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J	OTP-AM	H-755

This bill bans the use of consumer fireworks in the shoreland zone except during the calendar week that includes July 4th and on New Year's Eve, Labor Day and Memorial Day. It exempts from this prohibition fireworks displays that have a permit issued by the Commissioner of Public Safety or the commissioner's designee.

Committee Amendment "A" (H-755)

This amendment changes the title of and replaces the bill. It amends the State's consumer fireworks laws to provide that the required disclosures to purchasers of consumer fireworks by sellers of consumer fireworks must include guidelines regarding the safe and proper use of consumer fireworks around bodies of water; guidelines regarding the prevention of littering in the use of consumer fireworks; and guidelines regarding the effects from the use of consumer fireworks on wildlife, livestock and domesticated animals.

Enacted Law Summary

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

Committee Amendment "A" (H-710)

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

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

Enacted Law Summary

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

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

CARRIED OVER

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

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

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

Joint Standing Committee on Environment and Natural Resources

**LD 2148 An Act To Implement the Recommendations of the Department of
Environmental Protection Regarding the State's Plastic Bag Reduction
Law**

PUBLIC 674

Sponsor(s)

Committee Report

Amendments Adopted

This bill was not referred to committee.

This bill was reported out by the Joint Standing Committee on Environment and Natural Resources pursuant to the Maine Revised Statutes, Title 38, section 1772, subsection 5 to implement the recommendations of the Department of Environmental Protection regarding the State's plastic bag reduction law, as contained in its annual report on the State's product stewardship programs pursuant to Title 38, section 1772, subsection 2. The bill amends in that law the definition of "single-use carry-out bag" to clarify that this definition includes bags provided within a retail establishment other than at the point of sale and includes bags used for packaging, protecting or otherwise containing merchandise within the retail establishment.

Enacted Law Summary

Public Law 2019, chapter 674 amends the definition of "single-use carry-out bag" in the State's plastic bag reduction law to clarify that this definition includes bags provided within a retail establishment other than at the point of sale and includes bags used for packaging, protecting or otherwise containing merchandise within the retail establishment.

Joint Standing Committee on Environment and Natural Resources

SUBJECT INDEX

Coastal Areas

Not Enacted

LD 559	An Act To Restore Regular Mapping of Eelgrass Beds in the State	CARRIED OVER
LD 774	Resolve, To Protect Maine's Beaches and Shoreline	HELD BY GOVERNOR

Dams

Not Enacted

LD 1687	An Act Regarding the Water Quality Certification of Graham Lake on the Union River	ONTP
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Greenhouse Gases

Not Enacted

LD 2112	An Act To Limit the Use of Hydrofluorocarbons To Fight Climate Change	CARRIED OVER
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Hazardous Substances

Not Enacted

LD 1923	An Act To Define as a Hazardous Substance under Maine Law Any Substance Defined under Federal Law as a Hazardous Substance, Pollutant or Contaminant	CARRIED OVER
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Littering

Enacted

LD 544	An Act Regarding Tobacco Product Waste	PUBLIC 620
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Miscellaneous

Enacted

LD 1942 **An Act To Protect Water Quality by Requiring Additional Disclosures to Purchasers of Consumer Fireworks Regarding Safe and Proper Use** **PUBLIC 646**

Not Enacted

LD 327 **An Act To Revise Maine's Environmental Laws** **Leave to Withdraw Pursuant to Joint Rule 310**

LD 951 **An Act To Improve the Research Capabilities of State Agencies** **ONTP**

LD 952 **An Act To Coordinate and Standardize Data Collection Protocols** **ONTP**

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

Natural Resources Protection Act

Enacted

LD 1777 **An Act To Add Rivers, Streams and Brooks to the Department of Environmental Protection's Compensation Fee Program** **PUBLIC 581**

Oil Storage Facilities

Enacted

LD 1915 **Resolve, Directing the Department of Environmental Protection To Evaluate Emissions from Aboveground Petroleum Storage Tanks** **RESOLVE 128**

LD 2033 **An Act To Ensure Proper Closure of Oil Terminal Facilities** **PUBLIC 678**

Oil/Fuel

Enacted

LD 1780 **An Act To Support Replacement of At-risk Home Heating Oil Tanks** **PUBLIC 583**

Not Enacted

LD 1080	Resolve, Regarding Biofuel in Heating Oil	CARRIED OVER
LD 1998	An Act To Amend the Waste Motor Oil Disposal Site Remediation Program	CARRIED OVER

Product Stewardship

Not Enacted

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

Recycling

Not Enacted

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

Not Enacted

LD 1786	An Act To Update Maine's Sales Prohibition on Upholstered Furniture Treated with Flame-retardant Chemicals	ONTP
LD 2147	An Act To Require Reporting of Perfluoroalkyl and Polyfluoroalkyl Substances, PFAS, in Products and of Discharges of Firefighting Foam Containing PFAS	CARRIED OVER

Shoreland Zoning

Not Enacted

LD 1823	An Act To Allow a Float Haul-out or Marine Way within Shoreland Zone Setbacks	ONTP
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Solid Waste

Enacted

LD 401 An Act To Preserve State Landfill Capacity and Promote Recycling PUBLIC 619

Not Enacted

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

St. Croix International Waterway

Not Enacted

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

Wastes

Enacted

LD 2148 An Act To Implement the Recommendations of the Department of Environmental Protection Regarding the State's Plastic Bag Reduction Law PUBLIC 674

Wastewater

Enacted

LD 1779 An Act To Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems PUBLIC 582

LD 1832 An Act To Ensure Adequate Funding for the Maine Pollutant Discharge Elimination System and Waste Discharge Licensing Program PUBLIC 631

LD 2006 An Act To Amend the Laws Governing Waste Discharge Analysis by Laboratories Operated by Waste Discharge Facilities PUBLIC 580