

STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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Joint Standing Committee on Environment and Natural Resources

LD 399 An Act Regarding Municipal Satellite Wastewater Collection Systems

PUBLIC 353

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM	H-613

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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

Committee Amendment "A" (H-613)

This amendment changes the title and replaces the bill. It requires the owner of a municipal satellite collection system to register the system with the Department of Environmental Protection and requires the owner or operator of the system to report to the department any unauthorized discharges of wastewater from the system.

Enacted Law Summary

Public Law 2017, chapter 353 requires the owner of a municipal satellite collection system to register the system with the Department of Environmental Protection and requires the owner or operator of the system to report to the department any unauthorized discharges of wastewater from the system.

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

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L	OTP-AM ONTP	H-625

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was reported out of committee during the Second Regular Session and then carried over to the Second Special Session on the Special Appropriations Table by joint order S.P. 748.

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

Committee Amendment "A" (H-625)

This amendment is the majority report of the committee. Like the bill, the amendment establishes the Maine Coastal Risks and Hazards Commission but makes the following changes.

1. It reduces the membership of the commission from 36 members to 21 members.
2. It clarifies the duties of the commission.

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3. It amends provisions regarding the administration of the commission, including providing authorization for Legislative Council staffing when the Legislature is not in session and clarifying member compensation and outside funding provisions.

The amendment also adds an appropriations and allocations section.

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

PUBLIC 319

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW D	OTP-AM	H-574

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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

Committee Amendment "A" (H-574)

This amendment amends the provisions of the bill that update Maine's water quality standards by aligning state law with federal Clean Water Act requirements for pesticide application to control invasive plants and mosquito-borne disease and adds provisions to align state law with such requirements for dissolved oxygen. The amendment further updates Maine's water quality standards to be consistent with guidance issued by the United States Environmental Protection Agency regarding recreational water quality criteria for bacteria. The amendment retains the provision of the bill that authorizes the Department of Environmental Protection to use an alternative low-flow requirement when assessing the impact of nutrients on water quality, contingent upon the department's adopting nutrient rules.

Enacted Law Summary

Public Law 2017, chapter 319 updates Maine's water quality standards by aligning state law with the federal Clean Water Act regarding pesticide application to control invasive plants and mosquito-borne disease. It further updates Maine's water quality standards in a manner consistent with guidance issued by the United States Environmental Protection Agency regarding recreational water quality criteria for bacteria. It also authorizes the Department of Environmental Protection to use an alternative low-flow requirement when assessing the impact of nutrients on water quality, contingent upon the department's adopting nutrient rules.

LD 1534 An Act To Reduce Food Waste in Maine

PUBLIC 369

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C SAVIELLO T	OTP-AM	H-634

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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

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to adopt rules to implement the Maine food producers donation tax credit.

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

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

Committee Amendment "A" (H-634)

This amendment changes the title, replaces the bill and directs the Department of Environmental Protection, as resources allow, to develop and maintain on its publicly accessible website a food recovery database of guidance documents, model policies, program resources and other educational and technical materials relevant to food recovery and food waste reduction efforts that may be implemented by government entities, counties, municipalities, educational institutions, businesses and members of the public.

The amendment also removes the emergency preamble and emergency clause from the bill.

Enacted Law Summary

Public Law 2017, chapter 369 directs the Department of Environmental Protection, as resources allow, to develop and maintain on its publicly accessible website a food recovery database of guidance documents, model policies, program resources and other educational and technical materials relevant to food recovery and food waste reduction efforts that may be implemented by government entities, counties, municipalities, educational institutions, businesses and members of the public.

LD 1657 An Act To Update the Allowance Budget for the Regional Greenhouse Gas Initiative PUBLIC 323

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM	H-575

This bill establishes for each year from 2021 to 2030 the amount of allowances the State can auction as a participant in the regional greenhouse gas initiative. It also establishes the adjustments for banked allowances that must be made to the base annual carbon dioxide emissions budgets for 2021 to 2025.

Committee Amendment "A" (H-575)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2017, chapter 323 establishes for each year from 2021 to 2030 the amount of allowances the State can auction as a participant in the regional greenhouse gas initiative. It also establishes the adjustments for banked allowances that must be made to the base annual carbon dioxide emissions budgets for 2021 to 2025.

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**LD 1674 Resolve, Regarding Legislative Review of Portions of Chapter 502:
Direct Watersheds of Lakes Most at Risk from New Development,
Urban Impaired Streams, a Major Substantive Rule of the Department
of Environmental Protection**

**RESOLVE 30
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, Urban Impaired Streams, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2017, chapter 30 authorizes final adoption of portions of Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, Urban Impaired Streams, a major substantive rule of the Department of Environmental Protection that was submitted for legislative review.

Resolve 2017, chapter 30 was finally passed as an emergency measure effective February 18, 2018.

LD 1703 An Act To Create Equity for Wine and Spirits Container Deposits

**Accepted Report A
(ONTP)**

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

This bill creates a uniform refund value for all wine and spirits bottles in the laws governing returnable beverage containers.

Committee Amendment "A" (H-626)

This amendment is a minority report of the committee. It provides that the uniform refund value of not more than 5¢ for all wine and spirits containers does not take effect until March 1, 2019. It also adds an appropriations and allocations section to the bill.

Committee Amendment "B" (H-627)

This amendment is a minority report of the committee. It amends the bill as follows.

1. It retains the provision of the bill that creates a uniform refund value of not more than 5¢ for all wine and spirits containers but provides that this uniform refund value does not take effect until March 1, 2019.
2. Effective March 1, 2019, it increases by 1/2¢ the per container handling fee to be paid by an initiator of deposit to a dealer or local redemption center.
3. It adds an appropriations and allocations section.

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LD 1784 An Act To Update the Laws Governing the Department of Environmental Protection's Rule-making Authority Concerning Underground Oil Storage Facilities To Align with Federal Regulations

**PUBLIC 333
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KINNEY J	OTP-AM	H-582

This bill amends the laws governing the Department of Environmental Protection's rule-making authority pertaining to underground oil storage tanks.

Committee Amendment "A" (H-582)

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

LD 1797 Resolve, Regarding Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a Major Substantive Rule of the Department of Environmental Protection

**RESOLVE 39
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-670

This resolve provides for legislative review of portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-670)

This amendment amends the resolve by authorizing final adoption of portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes only if the following amendments to the rule are incorporated prior to final adoption:

1. The rule is amended to allow the beneficial use of emulsified asphalt encapsulated contaminated soil that is produced from soils contaminated with contaminants other than oil only upon the issuance of a beneficial use license pursuant to the rule; and
2. The rule is amended to authorize the department to require a beneficial use licensee authorized pursuant to the rule to use secondary material as construction fill to implement an environmental monitoring plan, subject to review and approval by the department.

Enacted Law Summary

Resolve 2017, chapter 39 authorizes final adoption of portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a major substantive rule of the Department of Environmental Protection that was submitted for legislative review, only if the following amendments to the rule are incorporated prior to final adoption:

1. The rule is amended to allow the beneficial use of emulsified asphalt encapsulated contaminated soil that is produced from soils contaminated with contaminants other than oil only upon the issuance of a beneficial use license pursuant to the rule; and
2. The rule is amended to authorize the department to require a beneficial use licensee authorized pursuant to the rule to use secondary material as construction fill to implement an environmental monitoring plan, subject to review

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and approval by the department.

Resolve 2017, chapter 39 was finally passed as an emergency measure effective April 4, 2018.

LD 1807 An Act To Implement Recommendations Resulting from a State Government Evaluation Act Review of the Board of Environmental Protection by the Joint Standing Committee on Environment and Natural Resources PUBLIC 334

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-600

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 and then referred back to the committee for processing in the normal course. The bill implements recommendations resulting from the committee's State Government Evaluation Act review of the Board of Environmental Protection as follows.

1. It clarifies that a member of the board continues to serve until that member has been reappointed or a successor has been appointed.
2. It clarifies that the participation of the Public Utilities Commission in appeals to the board of license or permit decisions relating to expedited wind energy development, offshore wind energy demonstration projects or tidal energy demonstration projects is optional and at the discretion of the commission's chair.

Committee Amendment "A" (H-600)

This amendment clarifies that a member of the Board of Environmental Protection may not continue to serve for more than one year after that member's term expires if the member has not been reappointed or a successor has not been appointed by that time.

Enacted Law Summary

Public Law 2017, chapter 334 amends the laws governing the Board of Environmental Protection as follows.

1. It clarifies that a member of the board may not continue to serve for more than one year after that member's term expires if the member has not been reappointed or a successor has not been appointed by that time.
2. It clarifies that the participation of the Public Utilities Commission in appeals to the board of license or permit decisions relating to expedited wind energy development, offshore wind energy demonstration projects or tidal energy demonstration projects is optional and at the discretion of the commission's chair.

LD 1808 An Act To Implement Recommendations Resulting from a State Government Evaluation Act Review of the Department of Environmental Protection by the Joint Standing Committee on Environment and Natural Resources PUBLIC 376

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-608

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 and then referred back to the committee for processing in the normal course. The bill implements recommendations

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resulting from the committee's State Government Evaluation Act review of the Department of Environmental Protection as follows.

1. It removes a statutory provision prohibiting a repeat violator of the same environmental law from taking advantage of a supplemental environmental project to mitigate an assessed civil penalty.
2. It allows a violator of an environmental law to offset up to 100% of an assessed civil penalty by conducting a supplemental environmental project. Under current law, such a violator may offset no more than 80% of an assessed civil penalty by conducting a supplemental environmental project.
3. It clarifies two statutory exemptions from the requirement that air contamination sources maintain continuous emission monitoring systems to mitigate a conflict between the current statutory provisions on continuous emission monitoring and existing applicable federal regulations.
4. It provides that the solid waste generation and disposal capacity report the department currently must submit annually to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters must be submitted only biennially.

Committee Amendment "A" (H-608)

This amendment strikes from the bill the provision that clarifies two statutory exemptions from the requirement that air contamination sources maintain continuous emission monitoring systems to mitigate a conflict between the current statutory provisions on continuous emission monitoring and existing applicable federal regulations.

Enacted Law Summary

Public Law 2017, chapter 376 amends the laws administered and enforced by the Department of Environmental Protection as follows.

1. It removes a statutory provision prohibiting a repeat violator of the same environmental law from taking advantage of a supplemental environmental project to mitigate an assessed civil penalty.
2. It allows a violator of an environmental law to offset up to 100% of an assessed civil penalty by conducting a supplemental environmental project. Under current law, such a violator may offset no more than 80% of an assessed civil penalty by conducting a supplemental environmental project.
3. It provides that the solid waste generation and disposal capacity report the department currently must submit annually to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters must be submitted only biennially.

LD 1847 An Act To Amend the State's Electronic Waste Laws

PUBLIC 391

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-696

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 38, section 1772, subsection 5 and then referred back to the committee for processing in the normal course. The bill amends the State's electronic waste laws as follows.

1. It changes the basis on which consumer electronic device manufacturers are billed for recycling costs.
2. It changes the due date for consumer electronic device manufacturer annual registration from July 1st to April

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1st.

3. It makes additional changes to align the State's electronic waste program more closely with similar programs in other states.

Committee Amendment "A" (H-696)

This amendment removes the change in the definition of "covered electronic device" regarding video display devices as proposed in the bill.

Enacted Law Summary

Public Law 2017, chapter 391 amends the State's electronic waste laws as follows.

1. It changes the basis on which consumer electronic device manufacturers are billed for recycling costs.
2. It changes the due date for consumer electronic device manufacturer annual registration from July 1st to April 1st.
3. It makes additional changes to align the State's electronic waste program more closely with similar programs in other states.

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Not Enacted

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Enacted

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