

# 2015 Summary of Key Maine Environmental Legislation

State of Maine 127<sup>th</sup> Legislature, 1<sup>st</sup> Regular Session

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The Pierce Atwood Environmental and Land Use Practice Group is pleased to provide the 2015 Summary of Key Maine Environmental Legislation enacted or carried over in the First Regular Session of Maine's 127th Legislature (December 3, 2014 to July 16, 2015).

Additionally, in a few instances we have included discussion of bills that were defeated, either because these were bills of interest or because of the potential for there to be similar legislative activity in the next legislative session.

We hope you find this a useful resource. If you would like more information on any of the pieces of legislation discussed below, please contact any member of the Pierce Atwood Environmental and Land Use Practice Group.

## Administration

**LD 1019**, *An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2015, June 30, 2016 and June 30, 2017* – Public Laws 2015, chapter 267.

DEP provided the following summary for this bill:

“As part of the state’s biannual budget, the Land and Water Quality program was divided into two separate bureaus. This proposed change was created to address the growing volume of work that the land division has seen over the past several years. The land bureau receives 2500-3000 permit applications every year, ranging from small permit-by-rule applications, to large projects of statewide significance. A number of these applications have to do with large, grid scale energy projects such as; wind, hydropower and tidal energy. As we move forward, the Bureau of Water Quality will continue under the direction of Mick Kuhns and the newly created Bureau of Land Resources will be led by our newest bureau director, Mark Bergeron.”

## Agriculture

**LD 598**, *An Act to Strengthen the Maine Agriculture Protection Act* – Public Laws 2015, chapter 145. This new law adds agricultural composting operations to all sections of the Maine Agricultural Protection Act. As a result, agricultural composting operations will now receive the same protections and exemptions from municipal regulation as other farm operations.

## Air

**LD 603**, *An Act to Achieve Regional Uniformity in Sulfur Standards for Heating Oil* – Public Laws 2015, chapter 66 (became law without the Governor’s signature).

This law amends the State’s low sulfur oil statute by changing the deadline for use of lower sulfur fuels (0.5 % S for residual oil and 0.0015% S for distillate) from January 1, 2018 to July 1, 2018. The change is made to align Maine’s requirements with those of other New England states. In an attempt to clarify that facilities may continue to use higher sulfur oil that may be in their storage tanks after the compliance dates, the law was also changed to prohibit the import and distribution of noncompliant fuel instead of the use of such fuel after the compliance date.

## Chemical Control and Products

**LD 817**, *An Act Regarding Aerial Pesticide Spray Projects* – Public Laws 2015, chapter 58. This bill repeals notification and reporting provisions for insect aerial pesticide spray projects. The bill eliminates certification, licensing and associated reporting requirements which previously applied to

government pesticide supervisors, spotters and monitors. However, the state of Maine still maintains other provisions governing notification and reporting requirements for outdoor pesticide applications. Those provisions are contained within Department of Agriculture, Conservation and Forestry's Board of Pesticides Control rules.

**LD 991**, *An Act to Amend Maine's Generically Modified Food Products Labeling Law* – Carried Over.

Maine's genetically modified food products labeling law would require labeling of all genetically engineered food. However, when enacted, the law contained a delayed effective date and a provision requiring automatic repeal if mandatory labeling of genetically engineered food were not adopted by at least 5 contiguous states including Maine by January 1, 2018. This bill proposes to remove the law's delayed effective date and automatic repeal provisions. This bill has been carried over to the 2016 legislative session.

**LD 1044**, *An Act to Ensure that Collection Facilities Can Participate in the Architectural Paint Stewardship Program* – Public Laws 2015, chapter 331. **This emergency law became effective on July 12, without the Governor's signature.**

This bill makes several changes to the laws governing the stewardship program for architectural paint. The key changes include (1) amending the requirements regarding the information to be included in a submitted plan for the establishment of a paint stewardship program, (2) the addition of new directives on the collection and storage of post-consumer paint, record-keeping by collection sites and acceptance of post-consumer paint that is a hazardous waste, (3) a provision specifying that, except as may otherwise be required by federal law or under an approved paint stewardship program plan, the Department of Environmental Protection may not impose requirements in collection sites that are more stringent than the requirements set forth in statute, and (4) a provision stating that a collection site that uses environmentally sound management practices is not subject to penalties for violation of the department's rules related to post-consumer paint.

**(Not Enacted) LD 1165**, *An Act to Enact the Toxic Chemicals in the Workplace Act*.

This bill ultimately was not passed into law. It would have enacted the Toxic Chemicals in the Workplace Act, which would have required the Department of Labor to identify chemicals, and for employers to develop and implement an alternative chemical workplan, designate an employer/employee transition team, and evaluate and transition to "safer alternatives." The goals of the Act would have been to reduce exposure to "highly toxic chemicals."

**LD 1326**, *An Act to Require Labeling of all Genetically Modified Products* – Carried Over.

This bill defines "genetically modified product" to include genetically engineered seed stock, products from animals fed genetically engineered food and medicines that were manufactured with genetically engineered plants or animals to the laws regarding the labeling of genetically engineered products. Beginning January 1, 2017, the bill would require disclosure of genetic engineering of food, seed stock, products from animals fed genetically engineered food or medicines that were manufactured with genetically engineered plants or animals. Failure to make the required disclosure would result in sanctions for misbranding. The bill also removes exemptions for products produced without knowledge that the products, or items used in their production, were genetically engineered. Finally, the bill increases the penalties for nondisclosure. This bill has been carried over to the 2016 legislative session.

**LD 85**, *An Act to Prohibit Synthetic Plastic Microbeads in Personal Care Products and Over-the-counter Drugs* – Public Laws 2015, chapter 4 (became law without the Governor's signature).

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

## Coastal Management

**LD 493**, *An Act to Create the Ocean Acidification Council* – Carried Over.

This bill would create the Ocean Acidification Council. The Council would be charged with identifying, studying, preventing, remediating and mitigating the direct and indirect effects of coastal and ocean

acidification on species that are commercially harvested and grown in Maine's coastal and ocean environments. A total of 16 members would serve on the Council, including two members of the Senate, three members of the House of Representatives, two representatives of an environmental or community group, three persons who fish commercially, including at least one aquaculturalist, three scientists and the Commissioner of Marine Resources, the Commissioner of Environmental Protection and the Commissioner of Agriculture, Conservation and Forestry or those commissioners' designees. This bill has been carried over to the 2016 legislative session.

**LD 795**, *An Act to Encourage Prudent Development Along the Coast or in a Flood Zone by Considering Predictions for Sea Level Rise* – Carried Over.

This bill would enact measures that would require sea level model predictions to be taken into account in the design phase of any development project on the coast or in a flood zone if more than 10% of the total funding for the project is state funding. The bill would also require coordination among state and federal agencies, universities and stakeholders concerning development projects on the coast or in a flood zone that may be affected by sea level rise. For purposes of the bill, "development project" includes, but is not limited to, the development of buildings, land, walkways, bridges, roads, culverts and piers. This bill has been carried over to the 2016 legislative session.

**LD 998**, *An Act to Authorize a General Fund Bond Issue to Collect Data on and to Monitor Ocean Acidification* – Carried Over.

This bill would provide for a bond issue in the amount of \$3,000,000.00, with the funds to be used to collect data, monitor waterways and perform tests related to the known increasing ocean acidity along the Maine coast and its impact on natural wildlife and commercially important species in Maine waters. This bill has been carried over to the 2016 legislative session.

**LD 1254**, *An Act to Implement and Fund and Integrated Beach Management Program* – Carried Over.

This bill would take a number of steps to implement an integrated beach management program. First, the bill would provide a funding mechanism by imposing a one dollar per day fee, effective October 1, 2015, on rentals, between May 1<sup>st</sup> and October 31<sup>st</sup>, of living quarters in any hotel, rooming house or tourist or trailer camp. These funds would be deposited into a newly established Beach Management Fund.

Second, the bill would also establish a Beach Advisory Group, chaired by the Commissioner of Environmental Protection and composed of eight additional members from state agencies and the public, which would meet at least twice per year and advise the Department of Environmental Protection on matters related to the management, preservation and restoration of beaches in Maine.

Third, the bill would direct and provide criteria for DEP to develop and maintain a priority list ranking all beaches within Maine based on suitability for beach nourishment, dune restoration, land acquisition or other enhancement techniques.

Finally, the bill would direct the Department of Department of Agriculture, Conservation and Forestry, Division of Geology, Natural Areas and Coastal Resources, Maine Coastal Program to submit certain reports to DEP.

This bill has been carried over to the 2016 legislative session.

## Conservation

**LD 568**, *An Act to Protect Maine Lakes* – Public Laws 2015, chapter 75 (became law without the Governor's signature).

This Act creates a prohibition on the application of fertilizers containing phosphorous or nitrogen within 25 feet of the normal high-water line of a great pond. One exception is that a person may apply a fertilizer within 25 feet but not closer than 10 feet of the normal high-water line of a great pond using a drop spreader, rotary spreader with a deflector, or targeted spray liquid.

## Contaminated Property

**LD 1303**, *An Act to Stabilize and Streamline the Department of Environmental Protection's Ground Water Oil Clean-Up Fund and Maine Coastal and Inland Surface Oil Clean-Up Fund* – Public Laws 2015, chapter 319. **This emergency law became effective on July 4, without the Governor's signature.**

This Act combines current provisions of law related to the Ground Water Oil Clean Up Fund and the Maine Coastal and Inland Surface Oil Clean-up Fund. It streamlines administration of oil clean-up funds and stabilizes funding for clean-up activities. It improves government administration by combining 2 boards with expertise in oil spill prevention and cleanup and responsibility for fund oversight into one, and it streamlines fee requirements from 2 separate amounts for each product type into one.

## Environmental Permitting and Land Use

**(Not enacted) LD 153**, *An Act to Amend Setback Requirements and Standards Related to Species Migration Under the Laws Regulating Development Near Vernal Pools.*

This bill would have required DEP and the Department of Inland Fisheries and Wildlife to adopt rules regarding significant vernal pool habitats to define a fixed radial area of regulation around a vernal pool depression and allow for an alternative directional corridor area of regulation. The applicant would have had to request use of an alternative directional corridor area, and would have had to demonstrate to DEP that the use of an alternative directional corridor area would provide habitat protection value equal to or greater than the fixed area of regulation. This bill did not pass into law.

**(Not enacted) LD 162**, *An Act to Protect the Rights of Property Owners.*

This bill would have required that any entity enacting or enforcing a land use regulation that results in a taking of privately owned land, defined as a reduction in fair market value of the land, provide compensation in the amount of the reduction in fair market value to the owner of the land, or repeal or not enforce the regulation against that owner. The bill would have provided a remedy and cause of action for owners of privately owned land who were subject to a taking by a land use regulation, with a statute of limitations of 3 years after the effective date of this legislation or when a land use regulation creating a taking is used as a criterion for approval of a land use permit application, whichever comes later. Some exceptions to the compensation requirements would have included common law nuisances, public health and safety protections, regulations enacted prior to the date of acquisition of the property, and regulations consistent with the original intent of the United States Constitution and the Constitution of Maine.

**LD 395**, *An Act To Clarify Storm Water Management Standards for Expansions of Existing Projects* – Public Laws 2015, chapter 34.

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

**LD 442**, *An Act to Clarify Municipal Capacity for Site Location of Development and Encourage Local Development* – Public Laws 2015, chapter 28.

This new law amends the municipal capacity provision of the Site Law exemptions to provide a municipality deemed to have "capacity" under the Site Law with the authority to review modifications to a development even if the original development was reviewed by the DEP under the Site Law prior to when the municipality was determined to have "capacity." The acreage maximums of the municipal capacity exemption still apply, however.

**LD 775**, *An Act to Streamline Judicial Review of Certain Land Use Decisions* – Carried Over.

This bill is in concept form only. It would establish a streamlined judicial review process of major land use permitting decisions in order to facilitate economic development and reduce overall costs and the time associated with issuing permits for new developments. This bill has been carried over the 2016 legislative session.

## Forestry

**LD 485**, *An Act to Allow Licensed Foresters to Use Mechanics Liens* – Public Laws 2015, chapter 56.

This new law adds licensed foresters to the list of persons who can place a lien on the property of another for nonpayment of services.

**LD 670**, *An Act to Amend the Laws Governing the Unlawful Cutting of Trees* – Public Laws 2015, chapter 241.

This law makes changes and clarifications to the laws regarding damages for the unlawful cutting of trees. A distinction is made between the unlawful cutting of trees in areas zoned for residential use and the unlawful cutting of trees in other areas. There is also a distinction made between the unlawful cutting of ornamental fruit trees and the unlawful cutting of all other trees. The law adds an additional award of punitive damages for any unlawful tree cutting, if the offender acted with malice. The cap on recovery of attorneys' fees for asserting claim is also removed by this law. Finally, the law provides that public utilities and their contractors are not liable for damages when the cutting or removal of trees is necessary to improve the safety and reliability of the public utilities' delivery of products and services.

**LD 1408**, *Resolve, Regarding Legislative Review of Portions of Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, a Late-Filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry. This emergency resolve became effective on June 16<sup>th</sup>, without the Governor's signature.*

This resolve provides for legislative review of portions of Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry that was filed outside the legislative rule acceptance period.

## Fuel and Energy

**LD 1435**, *An Act Regarding Ethanol-free Motor Fuel* – Public Laws 2015, chapter 143.

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

**(Not Enacted)**, **LD 432** *An Act to Exempt Fuel Purchased for Off-road Use in Commercial Construction and Wood Harvesting Equipment from Sales and Use Tax.*

This bill would have provided a sales and use tax refund or exemption for fuel purchased for off-road use in commercial wood harvesting or commercial construction equipment. This bill did not pass into law.

## Mining and Natural Resources

**(Not Enacted)** **LD 750**, *An Act to Allow Regulated Metal Mining in Maine.*

All other bills addressing final authorization of the DEP's provisionally adopted metallic mineral mining rules—LDs 146, 241, and 588—were killed by the Environmental & Natural Resources (E&NR) Committee and the issue of final authorization of the DEP's rules was taken up in this LD, as amended substantially by the E&NR Committee. The Committee approved LD 750, as amended, by an 8-5 vote after multiple public hearings and work sessions that spanned several weeks. LD 750, as amended, however, did not receive the required majority in either chamber. The result for metallic mineral mining is a 2012 statute establishing a new Maine

Metallic Mineral Mining Act and DEP rules, adopted in 1991, that are in multiple instances inconsistent and in conflict with the 2012 statute.

## Renewable Energy

**LD 273**, *An Act to Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste Energy Resources – Carried Over.*

This bill would make several changes to Maine’s laws related to renewable energy. First, the bill would amend the definition of “renewable capacity resource” to add waste energy resources. “Waste energy resource” would be defined as a source of electrical generation that is fueled by municipal solid waste in conjunction with recycling and whose total capacity does not exceed 35 megawatts. Second, the bill would establish a 3.5% portfolio requirement for electricity from waste energy resources. And third, the bill would allow competitive electricity providers to meet portfolio requirements for waste energy resources through the use of renewable energy credits or an alternative compliance payment to be set by the Public Utilities Commission. This bill has been carried over to the 2016 legislative session.

**LD 1445**, *Resolve, Reauthorizing the Balance of the 2009 Bond Issue for an Offshore Wind Energy Demonstration Project – Resolve 2015, chapter 42. **This emergency resolve became effective July 1.***

This resolve extends the authority to issue bonds for the University of Maine’s offshore wind energy demonstration site. The site was previously authorized in June 2010. The additional funds are required to complete construction of the offshore wind energy demonstration site already under construction.

**LD 828**, *An Act to Improve Regulatory Consistency Within the Jurisdiction of the Maine Land Use Planning Commission – Public Laws 2015, chapter 265 (effective January 1, 2016).*

This new law makes changes to the laws governing expedited permitting of wind energy development. The law gives the Maine Land Use Planning Commission (LUPC) the authority to remove, by rule, a specified place within the unorganized and deorganized areas from the expedited permitting area, provided certain standards are met, including that at least 10% of the registered voters in the township, plantation, municipality or portion thereof that has been designated a special place request the removal. It also makes clear that the Land Use Planning Commission is not required to provide notice to the Legislature when it adopts a rule to remove a specified place from the expedited permitting area.

**LD 1244**, *An Act to Amend Environmental Permitting Standards – Public Laws 2015, chapter 264 (became law without the Governor’s signature).*

This new law amends the permitting process for grid-scale wind energy development by removing the requirement that a public hearing must be held on an application if five or more interested persons so request. The law also provides new permitting requirements under the Natural Resources Protection Act for small-scale wind energy developments. Finally, the law temporarily streamlines small hydropower project permitting by amending the laws governing the establishment of water level regimes to provide that after October 1, 2015 but before October 1, 2016 the Department of Environmental Protection may not conduct an adjudicatory hearing or issue an order to establish a water level regime or minimum flow requirements. However, the Commissioner will still be able to conduct an adjudicatory hearing or issue an order for these purposes on requests or petitions submitted prior to October 1, 2015.

**LD 911**, *An Act Concerning the Review of Certain Projects under the Site Location of Development Laws – Public Laws 2015, chapter 190.*

This new law allows for the consideration of “cumulative scenic impacts or effects in the permitting of grid-scale wind energy development projects. The law also provides a definition of cumulative scenic impacts or effects. Finally, the law allows DEP to require a visual impact assessment for wind energy developments located within 15 miles of scenic resources of state or national significance and mandates a visual impact assessment if a generating facility is located within 15 miles of specific scenic resources of state or national significance.

## Stormwater

**LD 78**, *An Act Regarding Limitations on Certain Storm Water Fees* – Public Laws 2015, chapter 310 (became law without the Governor’s signature).

This new law provides that a transportation system under the jurisdiction of the Department of Transportation or the Maine Turnpike Authority is not subject to any fee or tax imposed pursuant to a municipal storm water ordinance. The Act also specifies that a transportation system includes, but is not limited to, a roadway; bridge; railroad line; pier; port; airport; trail; and adjunct facility to move persons or goods. A transportation system will not include an office building, commercial property, maintenance facility or park and ride lot.

**LD 147**, *Resolve, Regarding Legislative Review of Portions of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection* – Resolve 2015, chapter 12. **This emergency resolve became effective April 29<sup>th</sup>.**

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

**LD 1427**, *Resolve, Regarding the Department of Environmental Protection’s Rule Chapter 500: Stormwater Management* – Resolve 2015, chapter 22. **This emergency resolve became effective June 9<sup>th</sup>.**

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

## Waste and Recycling

**LD 190**, *An Act to Add Certain Capital Goods to the Product Stewardship Exclusions* – Public Laws 2015, chapter 67.

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

**LD 313**, *An Act to Create a Sustainable Solution to the Handling, Management, and Disposal of Solid Waste in the State* – Carried Over.

This concept draft bill proposes to implement recommendations from DEP relating to solid waste handling, management and disposal issues that were identified in a letter dated March 24, 2014 to DEP from the Joint Standing Committee on Environment and Natural Resources. The bill would enact measures designed to:

1. Provide incentives for and encourage the increased use of methods of source reduction, reuse, recycling and composting as a means of achieving the state-mandated goal of 50% under Maine law.
2. Achieve economic stabilization of the 3 existing waste-to-energy facilities in the State by January 1, 2016, with options for funding that stabilization;
3. Develop a plan to minimize the need for future expansion of landfill capacity in Maine, including state-owned landfills;
4. Identify additional strategies to increase the beneficial use of waste materials, particularly where there are potential economic benefits to be derived from these materials; and

5. Develop other components of an overall comprehensive implementation plan necessary and appropriate to better advance the goals of the State's solid waste management hierarchy.

This bill has been carried over to the 2016 legislative session.

**LD 394**, *Resolve, to Lower the Department of Environmental Protection's 5-point Odor Intensity Referencing Scale for Odor Control at Solid Waste Processing Facilities – Carried Over.*

This resolve would direct the Department of Environmental Protection to amend its Chapter 409 rules in effect on July 27, 2014 relating to the operation of solid waste processing facilities to decrease by 50% the existing concentration levels in water of n-butanol corresponding to each level within the modified 5-point odor intensity referencing scale for use in odor control for facilities that process wastewater treatment sludge from publicly owned treatment works and facilities that process septage. This resolve has been carried over to the 2016 legislative session.

**LD 580**, *An Act to Extend the Funding Period for Landfill Closure Costs – Public Laws 2015, chapter 302 (became law without the Governor's signature).*

Under current law, DEP pays 75% of certain landfill closure costs incurred on or after July 1, 1994 and before December 31, 2015. This new law extends that time period to December 31, 2025.

**LD 1045**, *An Act to Modify the Laws Regarding the Collection and Recycling of Mercury-added Thermostats – Public Laws 2015, chapter 83.*

This new law makes several changes to the laws regarding the collection and recycling of mercury-added thermostats. First, the law adds a definition for the term "contractor." Second, the law clarifies that the financial incentive provided for the return of a mercury-added thermostat is to be provided to any person who returns a mercury-added thermostat to an established recycling collection point. Third, the law changes the due date for the manufacturer's annual report from January 30 to April 1, and removes the requirement that the report contain an accounting of administrative costs. Finally, the new law directs DEP to review the financial incentive plan under the laws regarding the collection and recycling of mercury-added thermostats and, by February 15, 2016, to submit a report to the Joint Standing Committee on Environment and Natural Resources addressing certain aspects of the plan and, where applicable, recommending legislation to amend the plan or other relevant laws.

**(Not Enacted) LD 1194**, *An Act to Allow Municipalities to Contract With and Dispose of Waste, Including Residue, in State-Owned Solid Waste Disposal Facilities, as Allowed Under a Facility License, to Ensure Compliance With the Solid Waste Management Hierarchy.*

This bill would have authorized a municipality or regional association to enter into a contract or agreement with the owner or operator of a state-owned solid waste disposal facility in order to utilize the facility for managing solid waste generated within the State, including for the disposal of residue from a solid waste processing facility. The bill also would have prohibited the owner or operator of a state-owned solid waste disposal facility from entering into, implementing or enforcing a contract or agreement with any person to prohibit, directly or indirectly, a municipality or regional association from entering into a contract or agreement with the owner or operator of the facility to utilize the facility for managing solid waste generated within the State, including for the disposal of residue from a solid waste processing facility. This bill did not pass into law.

**LD 1366**, *An Act to Promote Recycling Program Integration and Efficiencies – Public Laws 2015, chapter 166.*

This new law transfers administration of the provisions of Maine law regarding returnable beverage containers from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection. Specifically, the beverage redemption program will now be handled within DEP's Sustainability Division and DEP's material management programs.

**LD 589**, *An Act to Increase the Beneficial Reuse of Waste Materials* Public Laws 2015, chapter 220 (became law without the Governor's signature).

This new law makes an electricity generator that relies on anaerobic digestion of by-products of waste from animals or agricultural crops, food or vegetative material, algae or organic refuse a renewable capacity resource under the renewable portfolio requirements.

## Water

**LD 713**, *Resolve, To Further Protect Lake Water Quality – Carried Over.*

This resolve would direct DEP to, as soon as practicable, amend its Rule Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances in effect on the effective date of this resolve to reflect a number of changes. These changes include new setbacks for new principal and accessory structures, phosphorous mitigation requirements in conjunction with the expansion of the footprint of a structure within the setback area and requirements for the location of wells within the setback area. The resolve would also direct the DEP Commissioner to convene a stakeholder group to conduct a study regarding the effectiveness of DEP's shoreland zoning rules during the time period of January 1, 2005 to the present. DEP would be required to report its findings and any recommendations for legislation to the Joint Standing Committee on Environment and Natural Resources by January 1, 2016. This resolve has been carried over to the 2016 legislative session.

**(Not Enacted) LD 40**, *An Act to Protect Maine's Great Ponds.*

This bill would have created a prohibition on the application of fertilizers within 50 feet of the normal high-water line of a great pond, with exceptions for persons involved in agriculture or applying fertilizer to establish or restore vegetation to stop, slow or remediate shoreline erosion or damage. This bill did not pass into law.

**(Not Enacted) LD 169**, *An Act to Amend the Laws Governing Groundwater Rights.*

This bill would have created an excise tax of 1 cent per gallon on the extraction of groundwater or surface water from springs or other underground sources in Maine by a bottled water operator that extracted more than 1,000,000 gallons in the previous calendar year if the water was packaged for sale in containers of 5 gallons or less. The revenue from the tax would have been applied 25% to watershed and water quality protection, 50% to essential programs and services for kindergarten to grade 12 and 25% to the municipality where the water was extracted. This bill did not pass into law.

## Wildlife and Fisheries Management

**LD 640**, *Resolve, To Establish a Working Group to Review the Incidental Taking Permitting Process Under the Endangered Species Law – Carried Over.*

This resolve would require the Department of Inland Fisheries and Wildlife to convene a working group of representatives of related industries to develop recommended statutory amendments or agency rules to implement the statute governing the incidental take permitting process for the taking of an endangered or threatened species while engaged in a lawful activity. This resolve has been carried over to the 2016 legislative session.

**(Not Enacted) LD 800**, *An Act to Prevent Passage of Alewives Through The Grand Falls Dam on the St. Croix River.*

This bill would have required that the fishway on the Grand Falls Dam located on the St. Croix River be configured or operated to prevent passage of river herring into the lakes that form the headwaters of the river. These lakes would have included, but not been limited to, Grand Falls Flowage, Big Lake, West Grand Lake, and Spednic Lake. This bill did not pass into law.

**LD 807**, *An Act to Amend Maine's Threatened and Endangered Species List – Public Laws 2015, chapter 121.*

This new law changes the status of certain species on the state endangered and state threatened species, adds species to the list and removes species from the list. The changes made to the list are as follows:

1. The Roaring Brook mayfly, *Epeorus frisoni* has been changed from endangered to threatened.
2. The Clayton's copper, *Lycaena Dorcas claytoni* has been changed from endangered to threatened.
3. The Black-crowned night heron, *Nycticorax* has been changed from threatened to endangered.
4. The following species have been added to the endangered species list:
  - i. Cobblestone tiger beetle, *Cicindela marginipennis*;
  - ii. Frigga fritillary, *Boloria Frigga*;
  - iii. Little brown bat, *Myotis lucifugus*;
  - iv. Northern long-eared bat, *Myotis septentrionalis*; and
  - v. Six-whorl vertigo, *Vertigo morsei*.
5. The Eastern small-footed bat, *Myotis leibii*, has been added to the threatened species list.

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