

MAINE STATE LEGISLATURE

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Corrected

ROS

L.D. 407

Date: 5/9/25

Majority

(Filing No. H-132)

ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 261, L.D. 407, "An Act to Prohibit the Use of Aqueous Film-forming Foam at the Former Brunswick Naval Air Station"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Ensure the Removal of Aqueous Film-forming Foam from the Former Brunswick Naval Air Station'

Amend the bill by striking out everything after the title and inserting the following:

'Sec. 1. Midcoast Regional Redevelopment Authority; activities regarding removal of aqueous film-forming foam. Resolved: That the Midcoast Regional Redevelopment Authority, established in the Maine Revised Statutes, Title 5, section 13083-G and referred to in this resolve as "the authority," shall take all necessary steps to ensure that:

1. No later than December 31, 2025, all fire suppression systems and any other systems containing aqueous film-forming foam that are located on any property leased or owned by the authority are shut off or otherwise made incapable of dispensing or releasing aqueous film-forming foam;

2. No later than December 31, 2025, all aqueous film-forming foam or aqueous film-forming foam concentrate not contained in a fire suppression system or other system that is located on any property leased or owned by the authority is removed from that property;

3. No later than July 1, 2026, funding is acquired by the authority sufficient to cover the anticipated costs of completely purging all fire suppression systems and any other systems containing aqueous film-forming foam that are located on any property leased or owned by the authority so that those systems no longer contain any aqueous film-forming foam or any residue containing aqueous film-forming foam as provided in subsection 4; and

4. No later than December 31, 2026, all fire suppression systems and any other systems containing aqueous film-forming foam that are located on any property leased or owned by

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COMMITTEE AMENDMENT "A" to H.P. 261, L.D. 407

1 the authority are completely purged so that those systems no longer contain any aqueous
2 film-forming foam or any residue containing aqueous film-forming foam.

3 As used in this resolve, "aqueous film-forming foam" means a fire suppressant foam
4 containing fluorinated surfactants intended for extinguishing flammable liquid fires.'

5 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
6 number to read consecutively.

7 **SUMMARY**

8 This amendment, which is the majority report of the committee, replaces the bill with
9 a resolve. It directs the Midcoast Regional Redevelopment Authority to take all necessary
10 steps to ensure that:

11 1. No later than December 31, 2025, all fire suppression systems and any other systems
12 containing aqueous film-forming foam that are located on any property leased or owned by
13 the authority are shut off or otherwise made incapable of dispensing or releasing aqueous
14 film-forming foam;

15 2. No later than December 31, 2025, all aqueous film-forming foam or aqueous film-
16 forming foam concentrate not contained in a fire suppression system or other system that
17 is located on any property leased or owned by the authority is removed from that property;

18 3. No later than July 1, 2026, funding is acquired by the authority sufficient to cover
19 the anticipated costs of completely purging all fire suppression systems and any other
20 systems containing aqueous film-forming foam that are located on any property leased or
21 owned by the authority so that those systems no longer contain any aqueous film-forming
22 foam or any residue containing aqueous film-forming foam; and

23 4. No later than December 31, 2026, all fire suppression systems and any other systems
24 containing aqueous film-forming foam that are located on any property leased or owned by
25 the authority are completely purged so that those systems no longer contain any aqueous
26 film-forming foam or any residue containing aqueous film-forming foam.

27 The preliminary fiscal impact statement for the bill identifies a potential unfunded state
28 mandate in the bill's prohibiting the discharge, test, storage or use of aqueous film-forming
29 foam on any property leased or owned by the Midcoast Regional Redevelopment
30 Authority. The committee reviewed the preliminary fiscal impact statement and determined
31 that, although those activities constitute a required expansion or modification of activities
32 so as to necessitate additional expenditures, the Midcoast Regional Redevelopment
33 Authority is not a local unit of government within the meaning of the Constitution of Maine,
34 Article IX, Section 21 and, accordingly, the amendment does not represent a state mandate.

35 **FISCAL NOTE REQUIRED**

36 (See attached)



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LD 407

LR 102(02)

An Act to Prohibit the Use of Aqueous Film-forming Foam at the Former Brunswick Naval Air Station

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-132)
Committee: Environment and Natural Resources
Fiscal Note Required: Yes

Fiscal Note

Quasi-independent entity costs not a mandate
Minor cost increase - General Fund

Fiscal Detail and Notes

This resolve requires the Midcoast Regional Redevelopment Authority (MRRA) to deactivate and remove aqueous film-forming foam (AFFF) from fire suppression systems on its properties by December 31, 2025; acquire sufficient funding by July 1, 2026, to fully purge those systems by December 31, 2026. No appropriations or allocations are provided for this purpose. Any enforcement costs to the Department of Environmental Protection are expected to be minor and absorbable within existing resources.

In the Preliminary Fiscal Impact Statement (PFIS) for this bill, it was identified as a Potential State Mandate - Unfunded. The committee reviewed the PFIS and determined that the mandate funding requirements did not apply to MRRA because of its quasi-independent status, and this bill was not a mandate. As the committee included this exception in the summary of the committee amendment, the Potential State Mandate - Unfunded language was removed from the fiscal note for the committee amendment