

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1326

H.P. 861

House of Representatives, March 27, 2025

**An Act to Protect the Drinking Water for Consumers of Certain
Water Systems by Establishing Maximum Contaminant Levels for
Certain Perfluoroalkyl and Polyfluoroalkyl Substances**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SHAGOURY of Hallowell.
Cosponsored by Senator BENNETT of Oxford and
Representatives: ANKELES of Brunswick, ARFORD of Brunswick, FLYNN of Albion,
GRAMLICH of Old Orchard Beach, PLUECKER of Warren, Senators: President
DAUGHTRY of Cumberland, HICKMAN of Kennebec, INGWERSEN of York.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 22 MRSA §2650-A is enacted to read:

3 **§2650-A. Drinking water standards, monitoring and treatment for perfluoroalkyl**
4 **and polyfluoroalkyl substances**

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
6 following terms have the following meanings.

7 A. "Community water system" has the same meaning as in section 2660-B, subsection
8 2.

9 B. "Nontransient, noncommunity water system" has the same meaning as described in
10 section 2660-B, subsection 5, paragraph A and is regulated as a nontransient,
11 noncommunity water system for a school or child care facility under the federal Safe
12 Drinking Water Act, 42 United States Code, Section 300f(16).

13 C. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning
14 as in section 2660-AA, subsection 3, including a regulated PFAS contaminant under
15 subsection 2, that is detectable in drinking water using standard analytical methods
16 established by the United States Environmental Protection Agency.

17 **2. Maximum contaminant levels for regulated PFAS contaminants.** The
18 maximum contaminant levels for the following regulated PFAS contaminants allowed for
19 a community water system or nontransient, noncommunity water system are:

20 A. Perfluorooctanoic acid, 4 parts per trillion;

21 B. Perfluorooctane sulfonic acid, 4 parts per trillion;

22 C. Perfluorohexane sulfonic acid, 10 parts per trillion;

23 D. Perfluorononanoic acid, 20 parts per trillion;

24 E. Perfluoroheptanoic acid, 20 parts per trillion;

25 F. Perfluorodecanoic acid, 10 parts per trillion;

26 G. Hexafluoropropylene oxide dimer acid, 10 parts per trillion; and

27 H. Perfluorobutane sulfonic acid, 2,000 parts per trillion.

28 By rule, the commissioner may decrease the maximum level of a contaminant included in
29 this subsection or add a regulated PFAS contaminant other than those specified in this
30 subsection as the commissioner determines necessary to maintain an adequate margin of
31 safety to protect human health at all stages, including prenatal development.

32 **3. PFAS monitoring.** Beginning January 1, 2026, all community water systems and
33 nontransient, noncommunity water systems shall conduct monitoring using standard
34 analytical methods for the detectable level of PFAS established by the United States
35 Environmental Protection Agency in effect at the time a sample was taken to perform the
36 monitoring. Monitoring under this subsection must be conducted for all regulated PFAS
37 contaminants under subsection 2 and additional PFAS included in the list of analytes in the
38 standard analytical methods established by the United States Environmental Protection
39 Agency in effect at the time a sample was taken to perform the monitoring. Initial
40 monitoring must include 2 samples taken 5 to 7 months apart. If an initial sample indicates

1 a contaminant level in an amount over 50% of the level of a contaminant listed in subsection
2 2, the community water system or nontransient, noncommunity water system conducting
3 the monitoring shall sample every 3 months until all contaminant levels are 50% or below
4 the contaminant levels listed in subsection 2. If an initial or subsequent sample does not
5 indicate a contaminant level in an amount over 50% of the level of a contaminant listed in
6 subsection 2, the community water system or nontransient, noncommunity water system
7 conducting the monitoring shall sample annually. If 3 consecutive annual samples do not
8 indicate a contaminant level in an amount over 50% of the level of a contaminant listed in
9 subsection 2, the community water system or nontransient, noncommunity water system
10 conducting the monitoring shall sample every 3 years.

11 **4. Submission of drinking water samples; reporting.** When determined necessary
12 by the department, a community water system or nontransient, noncommunity water
13 system shall:

14 A. Submit a water sample for determination of contaminant levels of regulated PFAS
15 contaminants to an approved laboratory pursuant to section 2607;

16 B. Report:

17 (1) Any failure to comply with department rules;

18 (2) The results of tests, measurements or analyses of a drinking water sample under
19 paragraph A; or

20 (3) A change in ownership of the community water system or nontransient,
21 noncommunity water system; and

22 C. Submit a monthly operational report.

23 **5. Treatment; notice.** Beginning January 1, 2029, if a monitoring result confirms the
24 presence of a regulated PFAS contaminant in excess of the maximum contaminant level in
25 subsection 2 or a combination of regulated PFAS contaminants exceeding 20 nanograms
26 per liter in the drinking water of a community water system or nontransient, noncommunity
27 water system, the department shall direct the community water system or nontransient,
28 noncommunity water system to:

29 A. Implement treatment or another remedy to reduce the level of PFAS or regulated
30 PFAS contaminants in the drinking water to below 20 nanograms per liter; and

31 B. Issue a notice to all users of the community water system or nontransient,
32 noncommunity water system informing the users of the detected regulated PFAS
33 contaminant concentration and potential risk to public health until the treatment or
34 other remedy in paragraph A is completed and effective.

35 **6. Enforcement; appeal.** The department may enforce this section pursuant to section
36 2605, subsection 5. A person may appeal an act or decision of the department under this
37 section pursuant to section 2620-A.

38 **7. Notification of suspected tampering.** A community water system or nontransient,
39 noncommunity water system shall notify the department and law enforcement officials
40 immediately of any act of potential or suspected tampering of the community water system
41 or nontransient, noncommunity water system.

8. Rules. The department may adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to carry out the purposes of this section.

SUMMARY

This bill establishes maximum levels of regulated perfluoroalkyl and polyfluoroalkyl substances in the drinking water of community water systems and nontransient, noncommunity water systems. The bill allows the Commissioner of Health and Human Services through rulemaking to lower the maximum levels of regulated PFAS contaminants or include additional PFAS contaminants to the list of regulated PFAS contaminants, requires beginning January 1, 2029 treatment and notice to consumers if PFAS contaminants are found in the drinking water of community water systems and nontransient, noncommunity water systems and requires the water systems to submit drinking water samples and report to the Department of Health and Human Services in a manner as determined by the department.

The bill also requires, beginning January 1, 2026, all community water systems and nontransient, noncommunity water systems to conduct monitoring of PFAS at detectable levels established by the United States Environmental Protection Agency.