

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 188

S.P. 92

In Senate, January 13, 2023

**An Act to Require the Department of Environmental Protection to  
Pay for Certain Water Tests for Perfluoroalkyl and Polyfluoroalkyl  
Substances**

(EMERGENCY)

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Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LIBBY of Cumberland.  
Cosponsored by Representative POMERLEAU of Standish.

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas**, Public Law 2021, chapter 641 authorized the Department of Environmental  
4 Protection to require a person licensed to discharge wastewater to sample effluent  
5 discharged for perfluoroalkyl and polyfluoroalkyl substances, also known as PFAS; and

6           **Whereas**, pursuant to that law, the department may require that the costs of such  
7 sampling and testing, which can be substantial, are to be paid by the person licensed to  
8 discharge wastewater; and

9           **Whereas**, to reduce the economic burden on these licensees while continuing to  
10 prevent further contamination of the soils and waters of the State from PFAS, it is necessary  
11 for the State to pay for the cost of such testing when the department requires it; and

12           **Whereas**, this legislation must take effect before the expiration of the 90-day period  
13 to immediately protect these licensees from that economic burden; and

14           **Whereas**, in the judgment of the Legislature, these facts create an emergency within  
15 the meaning of the Constitution of Maine and require the following legislation as  
16 immediately necessary for the preservation of the public peace, health and safety; now,  
17 therefore,

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

19           **Sec. 1. 38 MRSA §413, sub-§12**, as enacted by PL 2021, c. 641, §1, is amended to  
20 read:

21           **12. Sampling for perfluoroalkyl and polyfluoroalkyl substances.** Notwithstanding  
22 section 414-A or any other provision of law to the contrary, the department by written  
23 notification may require a person licensed by the department to discharge wastewater to  
24 groundwater or any waters of the State to sample the effluent discharged for perfluoroalkyl  
25 and polyfluoroalkyl substances and to report the sample data to the department. Upon  
26 receipt of the written notification and as directed by the department, the person shall  
27 conduct the required sampling of the effluent for perfluoroalkyl and polyfluoroalkyl  
28 substances and report the sample data to the department. If the department requires a  
29 person to conduct effluent sampling in accordance with this subsection, all costs associated  
30 with the sampling and testing of samples must be paid by the department.

31 As used in this subsection, "perfluoroalkyl and polyfluoroalkyl substances" has the same  
32 meaning as in Title 32, section 1732, subsection 5-A.

33           **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
34 takes effect when approved.

35 **SUMMARY**

36           This bill amends the waste discharge licensing laws to provide that, if the Department  
37 of Environmental Protection requires a person licensed to discharge wastewater to sample  
38 the effluent discharged for perfluoroalkyl and polyfluoroalkyl substances, all costs  
39 associated with the sampling and testing of samples must be paid by the department.