

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1537

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S.P. 610

In Senate, April 5, 2023

**An Act to Amend the Laws Relating to the Prevention of  
Perfluoroalkyl and Polyfluoroalkyl Substances Pollution and to  
Provide Additional Funding**

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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 INGWERSEN of York.  
Cosponsored by Representative GRAMLICH of Old Orchard Beach and  
Senators: BENNETT of Oxford, BRENNER of Cumberland, Representatives: MEYER of  
Eliot, PLUECKER of Warren, SAYRE of Kennebunk.

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

2 **Sec. 1. 38 MRSA §1614, sub-§2, ¶A**, as enacted by PL 2021, c. 477, §1 and  
3 reallocated by RR 2021, c. 1, Pt. A, §54, is amended to read:

4 A. Beginning ~~January~~ October 1, 2023, a manufacturer of a product for sale in the  
5 State that contains intentionally added PFAS shall submit to the department a written  
6 notification that includes:

7 (1) A brief description of the product, including estimated annual sales volume in  
8 the State or nationally;

9 (2) The purpose for which PFAS are used in the product, including in any product  
10 components;

11 (3) The amount of each of the PFAS, identified by its chemical abstracts service  
12 registry number or in the absence of this number a description approved by the  
13 department, in the product, reported as an exact quantity, or as the amount of total  
14 organic fluorine if the amount of each PFAS compound is not known, determined  
15 using commercially available analytical methods or based on information provided  
16 by a supplier as falling within a range approved for reporting purposes by the  
17 department;

18 (4) The name and address of the manufacturer, and the name, address and phone  
19 number of a contact person for the manufacturer; and

20 (5) Any additional information established by the department by rule as necessary  
21 to implement the requirements of this section.

22 **Sec. 2. 38 MRSA §1614, sub-§4**, as enacted by PL 2021, c. 477, §1 and reallocated  
23 by RR 2021, c. 1, Pt. A, §54, is amended to read:

24 **4. Exemptions.** The following are exempt from this section:

25 A. A product for which federal law governs the presence of PFAS in the product in a  
26 manner that preempts state authority; ~~and~~

27 B. A product ~~subject to~~ that is a package as defined in Title 32, ~~chapter 26-A or 26-B-~~  
28 section 1732, subsection 4; and

29 C. A manufacturer with less than \$20,000,000 in national annual sales of products,  
30 except that this exemption does not apply to any prohibitions under subsection 5.

31 **Sec. 3. 38 MRSA §1614, sub-§5, ¶C**, as enacted by PL 2021, c. 477, §1 and  
32 reallocated by RR 2021, c. 1, Pt. A, §54, is amended to read:

33 C. The department may by rule identify products by category or use that may not be  
34 sold, offered for sale or distributed for sale in this State if they contain intentionally  
35 added PFAS. Not later than January 1, 2025 and every year thereafter until December  
36 31, 2029, the department shall adopt a rule identifying at least one product category or  
37 use that may not be sold, offered for sale or distributed in this State if it contains  
38 intentionally added PFAS. The department shall prioritize the prohibition of the sale of  
39 product categories that, in the department's judgment, are most likely to cause  
40 contamination of the State's land or water resources if they contain intentionally added  
41 PFAS. Products in which the use of PFAS is a currently unavoidable use as determined

1 by the department may be exempted by the department by rule except that, prior to  
 2 January 1, 2028, such a determination may not be made unless the department has  
 3 adopted rules that identify a relevant related product category or use for sales  
 4 prohibitions as authorized by this paragraph. The department may not prohibit the sale  
 5 or resale of used products.

6 Rules adopted pursuant to this paragraph are major substantive rules as defined in Title  
 7 5, chapter 375, subchapter 2-A.

8 **Sec. 4. Appropriations and allocations.** The following appropriations and  
 9 allocations are made.

10 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**  
 11 **Remediation and Waste Management 0247**

12 Initiative: Provides allocations for one Toxicologist position and associated costs.

13	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
14	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
15	Personal Services	\$105,063	\$110,595
16	All Other	\$4,750	\$4,750
17			
18	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$109,813</u>	<u>\$115,345</u>

19 **Remediation and Waste Management 0247**

20 Initiative: Provides allocations for expenditures related to implementation of the Maine  
 21 Revised Statutes, Title 38, section 1614.

22	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
23	All Other	\$269,606	\$269,606
24			
25	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$269,606</u>	<u>\$269,606</u>

26 **Remediation and Waste Management 0247**

27 Initiative: Provides allocations for one Environmental Specialist IV position and associated  
 28 costs.

29	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
30	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
31	Personal Services	\$110,034	\$116,096
32	All Other	\$4,750	\$4,750
33			
34	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$114,784</u>	<u>\$120,846</u>

35

36 **ENVIRONMENTAL PROTECTION,**  
 37 **DEPARTMENT OF**  
 38 **DEPARTMENT TOTALS**

39		<b>2023-24</b>	<b>2024-25</b>
40	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$494,203</b>	<b>\$505,797</b>
41			
42	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$494,203</b></u>	<u><b>\$505,797</b></u>

