

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2021**

drinking water of the water system below 20 nanograms per liter; and

B. Direct the community water system or nontransient, noncommunity water system to issue a notice to all users of the water system to inform them of the detected PFAS concentration and potential risk to public health until the treatment under paragraph A is completed.

**5. Enforcement.** The department may enforce the requirements of this section under the Maine Revised Statutes, Title 22, chapter 601, subchapter 2. A person may appeal the acts or decisions of the department under this section in accordance with Title 22, chapter 601, subchapter 2-A.

**Sec. 3. Maximum contaminant level for perfluoroalkyl and polyfluoroalkyl substances. Resolved:** That the department shall adopt a maximum contaminant level for perfluoroalkyl and polyfluoroalkyl substances in accordance with this section. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**1. Advance notice of proposed rulemaking.** On or before August 1, 2023, the department shall initiate a public notice and comment process for potential rulemaking by publishing an advance notice of proposed rulemaking regarding the department's regulation of regulated PFAS contaminants.

**2. Proposed rule.** On or before December 31, 2023, the department shall file a proposed rule with the Secretary of State establishing a maximum contaminant level for regulated PFAS contaminants and monitoring requirements for community water systems and nontransient, noncommunity water systems.

**3. Final rule.** On or before June 1, 2024, the department shall file a final rule with the Secretary of State regarding the regulation of regulated PFAS contaminants. The department may adopt federal regulatory requirements established by the United States Environmental Protection Agency, including maximum contaminant levels for regulated PFAS contaminants, if the new federal requirements are the same as or more restrictive than the interim drinking water standards described in section 2. The department shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters upon adoption of the final rule that includes information about the final rule, including but not limited to the maximum contaminant levels adopted. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out legislation relating to the report.

**Sec. 4. Repeal of interim drinking water standard and testing requirements. Resolved:** That the interim drinking water monitoring require-

ments for PFAS and regulated PFAS contaminants under section 2 are repealed on the effective date of the rules required under section 3.

**Sec. 5. Report by the Department of Health and Human Services. Resolved:** That, beginning January 1, 2022 and annually thereafter until the rules pursuant to section 3, subsection 3 are finally adopted, the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the number of water systems tested, what levels of perfluoroalkyl and polyfluoroalkyl substances were indicated upon testing and the status of the rule-making process under this resolve. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out legislation relating to each report.

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

Effective June 21, 2021.

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**CHAPTER 83**

**H.P. 185 - L.D. 264**

**Resolve, Directing the Board of Pesticides Control To Gather Information Relating to Perfluoroalkyl and Polyfluoroalkyl Substances in the State**

**Sec. 1. Board of Pesticides Control to amend rules relating to registered pesticides. Resolved:** That the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control shall amend its rules governing the registration of pesticides in the State to require manufacturers and distributors to provide affidavits stating whether the registered pesticide has ever been stored, distributed or packaged in a fluorinated high-density polyethylene container and to require manufacturers to provide an affidavit stating whether a perfluoroalkyl or polyfluoroalkyl substance is in the formulation of the registered pesticide.

**Sec. 2. Board of Pesticides Control to gather information relating to perfluoroalkyl and polyfluoroalkyl substances. Resolved:** The Department of Agriculture, Conservation and Forestry, Board of Pesticides Control shall conduct a study to determine if fluorinated adjuvants are being used or sold in the State. The board shall explore what is needed to regulate fluorinated adjuvants in the State and shall explore what is necessary to impose a prohibition on the distribution or application of pesticides or adjuvants containing perfluoroalkyl or polyfluoroalkyl substances

in the State. The board shall develop a feasible definition of perfluoroalkyl or polyfluoroalkyl adulteration in a pesticide. The board shall submit a report based on the study with findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2022. The joint standing committee may submit a bill to the 130th Legislature relating to the subject matter of the report.

See title page for effective date.

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**CHAPTER 84**

**S.P. 148 - L.D. 341**

**Resolve, Directing the Maine Public Employees Retirement System To Study and Report on How Statewide Retirement Systems Affected by the Windfall Elimination Provision and Government Pension Offset Can Cooperate on Solutions**

**Sec. 1. Maine Public Employees Retirement System to study cooperation of statewide retirement systems. Resolved:** That the Maine Public Employees Retirement System shall study existing cooperation and any further potential cooperation of statewide retirement systems affected by the windfall elimination provision, pursuant to the federal Social Security Amendments of 1983, Public Law 98-21, and the government pension offset, pursuant to the federal Social Security Amendments of 1977, Public Law 95-216. The Maine Public Employees Retirement System shall consult and collaborate with any applicable retirement associations, such as the National Association of State Retirement Administrators, as necessary. The Maine Public Employees Retirement System shall submit a report with its recommendations, including any suggested legislation, no later than January 1, 2022 to the Joint Standing Committee on Labor and Housing. The committee may report out a bill based on the report and recommendations to the Second Regular Session of the 130th Legislature.

See title page for effective date.

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**CHAPTER 85**

**H.P. 702 - L.D. 946**

**Resolve, Regarding the Shore Damage Mitigation Project in Saco Bay**

**Sec. 1. Saco Bay shore damage mitigation project; state assistance. Resolved:** That the Governor shall take all actions the Governor considers

necessary to assist and support the City of Saco in the City of Saco’s role as the nonfederal sponsor with the United States Army Corps of Engineers under the federal River and Harbor Act of 1968, Section 111, as amended, 33 United States Code, Section 426i, for the shore damage mitigation project for the Saco River and Camp Ellis Beach in Saco pursuant to the report dated July 2017 and known as Alternative 6, which may include:

1. Directing any relevant state agencies to assist the City of Saco in its entering into a project partnership agreement with the United States Army Corps of Engineers for the construction of the project under this section; and

2. Directing any relevant state agencies to assist and support the City of Saco and other communities on Saco Bay in the construction of the project under this section and in implementing other beach and beach habitat remediation projects in and around Saco Bay as recommended by the Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning, Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey, including dune planting projects.

See title page for effective date.

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**CHAPTER 86**

**S.P. 259 - L.D. 826**

**Resolve, Directing the University of Maine System To Study the Potential Effects of the State Adopting Atlantic Standard Time**

**Sec. 1. Permanent Atlantic Standard Time study and analysis. Resolved:** That the University of Maine System shall, within available resources, study and analyze the potential effects on public health and the State's economy of the State adopting permanent Atlantic Standard Time and determine if that adoption will serve the convenience of commerce as required by the United States Department of Transportation. In conducting the study, the University of Maine System shall examine:

1. The current effects of the practice of setting clocks forward and backward, including but not limited to physical health, mental health and economic effects as determined by both scientific research and public opinion; and

2. Whether adopting permanent Atlantic Standard Time will negatively affect business shipping and receiving of goods and products; the ability of residents to receive important television and radio broadcasts and timely news and information; bus, passenger rail and airline services across time zones; residents who engage