

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

another state without the consent of the parent or parents, guardian or legal custodian, who has absconded from probation or parole in another state, who has escaped from a detention or correctional facility in another state or who is accused of an offense in another state is found by a law enforcement officer in the State, the juvenile must be referred immediately to a juvenile community corrections officer and must be processed according to the provisions of the Interstate Compact for Juveniles.

See title page for effective date.

**CHAPTER 137
H.P. 132 - L.D. 211**

**An Act to Amend the Laws
Governing Water Supply
Protection Funds**

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

Sec. 1. 35-A MRSA §6113, sub-§3, as enacted by PL 1993, c. 30, §1 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

3. Use of water supply protection fund. Except as provided in subsection 4, a water supply protection fund may be used by a consumer-owned water utility only for the acquisition of interests in real property reasonably necessary for the protection of a public water supply in accordance with this subsection. A consumer-owned water utility may use a water supply protection fund to acquire interests in real property reasonably necessary for the protection of the public water supply, including, but not limited to, the acquisition of conservation easements, access easements, other permanent interests in land or long-term leases of at least 99 years. A consumer-owned water utility may also use a water supply protection fund to assist a holder in acquiring a fee interest in real property or a conservation easement if that acquisition is reasonably likely to result in or contribute to the protection of a public water supply. If a consumer-owned water utility assists a holder in acquiring a conservation easement and the utility does not acquire through the transaction a fee interest in the property, consumer-owned water utility shall obtain a 3rd-party right of enforcement with respect to that easement. If a consumer-owned water utility assists a holder in acquiring a fee interest in real property, the utility shall acquire a conservation easement unless the holder conveys a conservation easement to another holder, in which case the utility shall obtain a 3rd-party right of enforcement with respect to that conservation easement. For purposes of this subsection, "protection of public water supply" includes watershed protection, ground-water protection or wellhead protection reasonably necessary to minimize the potential for contamination of the consumer-owned water utility's water supply. If the

consumer-owned water utility has adopted a watershed control program pursuant to 40 Code of Federal Regulations, Section 141.71 and that program has been approved by the Department of Health and Human Services, any expenditures from the water supply protection fund pursuant to this section for the purposes of watershed protection must be in conformity with that watershed control program. For purposes of this subsection, "conservation easement" has the same meaning as in Title 33, section 476, subsection 1; "holder" has the same meaning as in Title 33, section 476, subsection 2; and "3rd-party right of enforcement" has the same meaning as in Title 33, section 476, subsection 4.

See title page for effective date.

**CHAPTER 138
H.P. 138 - L.D. 217**

**An Act to Support
Manufacturers Whose
Products Contain
Perfluoroalkyl and
Polyfluoroalkyl Substances**

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

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

A. Beginning Except as provided in subsection 3, by January 1, 2023 2025, a manufacturer of a product for sale in the State that contains intentionally added PFAS shall submit to the department a written notification that includes:

- (1) A brief description of the product, including an estimate of the total number of units of the product sold annually in the State or nationally;
- (2) The purpose for which PFAS are used in the product, including in any product components;
- (3) The amount of each of the PFAS, identified by its chemical abstracts service registry number or in the absence of this number a description approved by the department, in the product, reported as an exact quantity, or as the amount of total organic fluorine if the amount of each PFAS compound is not known, determined using commercially available analytical methods or based on information provided by a supplier as falling within a range approved for reporting purposes by the department;
- (4) The name and address of the manufacturer, and the name, address and phone number of a contact person for the manufacturer; and

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

Sec. 2. 38 MRSA §1614, sub-§2, ¶D is enacted to read:

D. The requirements of this subsection do not apply to a manufacturer that employs 25 or fewer people.

Sec. 3. 38 MRSA §1614, sub-§4, as enacted by PL 2021, c. 477, §1 and reallocated by RR 2021, c. 1, Pt. A, §54, is amended to read:

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

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

B. A package, as defined in Title 32, section 1732, subsection 4, for a product subject to Title 32, chapter 26-A or 26-B, except when the package is the product of the manufacturer; and

C. A used product or used product component.

Sec. 4. 38 MRSA §1614, sub-§7, as enacted by PL 2021, c. 477, §1 and reallocated by RR 2021, c. 1, Pt. A, §54, is amended to read:

7. Failure to provide notice. A Beginning January 1, 2025, a person may not sell, offer for sale or distribute for sale in the State a product containing intentionally added PFAS if the manufacturer has failed to provide the information required under subsection 2, except that this prohibition does not apply to:

~~A. The department may exempt a~~ A product exempted from the prohibition under this subsection if by the department determines upon a determination by the department that the use of PFAS in the product is a currently unavoidable use;

~~B. The prohibition in this subsection does not apply to a~~ A retailer in the State unless the retailer sells, offers for sale or distributes for sale in the State a product for which the retailer has received a notification pursuant to subsection 8, paragraph B that the sale of the product is prohibited;

C. A manufacturer exempted from the notification requirement pursuant to subsection 2, paragraph D;

D. A product for which the department has waived the notification requirement pursuant to subsection 3; and

E. A manufacturer that pursuant to subsection 3 has received from the department an extension of the deadline for submission of the information required by subsection 2. The exception under this paragraph applies only for the duration of the extension provided by the department.

Sec. 5. Retroactivity. This Act applies retroactively to January 1, 2023.

See title page for effective date.

CHAPTER 139

H.P. 140 - L.D. 219

An Act Regarding Appeals of License or Permit Decisions of the Commissioner of Environmental Protection

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

Sec. 1. 38 MRSA §341-D, sub-§3, as repealed and replaced by PL 2011, c. 304, Pt. H, §7, is amended to read:

3. Modification or corrective action. At the request of the commissioner and after written notice and opportunity for a hearing pursuant to Title 5, chapter 375, subchapter 4, the board may modify in whole or in part any license, or may issue an order prescribing necessary corrective action, whenever the board finds that any of the criteria in section 342, subsection 11-B have been met. The board may modify a license or order corrective action as authorized by this subsection at any time, including during the pendency of a judicial appeal of a final decision regarding the license.

For the purposes of this subsection, "license" includes any license, permit, order, approval or certification issued by the department.

Sec. 2. 38 MRSA §341-D, sub-§4, ¶A, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended to read:

A. Final license or permit decisions made by the commissioner when a person aggrieved by a decision of the commissioner appeals that decision to the board within 30 days of the filing of the decision with the board staff. The board staff shall give written notice to persons that have asked to be notified of the decision. Any proposed supplemental evidence offered by an appellant must be included with the filing of the appeal. The board may allow the record to be supplemented when it finds that the evidence offered is relevant and material and that:

(1) An interested party seeking to supplement the record has shown due diligence in bringing the evidence to the licensing process at the earliest possible time; or

(2) The evidence is newly discovered and could not, by the exercise of diligence, have been discovered in time to be presented earlier in the licensing process.