

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

(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.

The board may admit into the record supplemental evidence offered by a respondent in response to proposed supplemental evidence offered by an appellant and the issues raised on appeal. The board may admit into the record additional evidence and analysis submitted by department staff in response to issues raised on appeal or supplemental evidence offered by an appellant, respondent or interested party. The board is not bound by the commissioner's findings of fact or conclusions of law but may adopt, modify or reverse findings of fact or conclusions of law established by the commissioner. Any changes made by the board under this paragraph must be based upon the board's review of the record, any supplemental evidence admitted by the board and any hearing held by the board;

Sec. 3. 38 MRSA §342, sub-§11-B, as amended by PL 2017, c. 137, Pt. A, §4, is further amended by amending the first blocked paragraph to read:

The commissioner may revoke or suspend a license 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 and "licensee" means the holder of the license.

Sec. 4. 38 MRSA §344, sub-§9, as amended by PL 2011, c. 538, §4, is further amended to read:

9. License or permit renewals, amendments, revisions, condition compliance, surrenders and transfers. For purposes of this section, a request for a license or permit renewal, amendment, revision, condition compliance, surrender or transfer is considered an application that, unless specifically exempted by law, is subject to a decision by the department.

The commissioner may act on an application for a license or permit renewal, amendment, revision, condition compliance, surrender or transfer at any time, including during the pendency of a judicial appeal of a final decision regarding the license or permit.

Sec. 5. 38 MRSA §346, sub-§1, as amended by PL 2009, c. 642, Pt. B, §3, is further amended to read:

1. Appeal to Superior Court. Except as provided in subsection 4 and section 347-A, subsection 3 or 4, any person aggrieved by any order or ~~decision~~ other final action of the board or commissioner may appeal to the Superior Court. These appeals to the Superior Court must be taken in accordance with Title 5, chapter 375, subchapter 7.

Sec. 6. 38 MRSA §346, sub-§5 is enacted to read:

5. Tolling of deadlines. When a license or permit decision or other final action of the board or the commissioner is appealed to a court in accordance with this

section, the board or the commissioner may toll for the pendency of the judicial appeal the running of time for any deadline established in the license, permit or action under appeal.

See title page for effective date.

CHAPTER 140

S.P. 122 - L.D. 256

An Act to Add Electric Bicycles to the Electric Vehicle Rebate Program

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

Sec. 1. 35-A MRSA §10126, sub-§1, ¶A-1 is enacted to read:

A-1. "Electric bicycle" has the same meaning as in Title 29-A, section 101, subsection 22-B.

Sec. 2. 35-A MRSA §10126, sub-§3, as amended by PL 2021, c. 402, §3, is further amended to read:

3. Rebate program established; eligibility. In accordance with the provisions of this section, the trust shall establish and administer a program that provides rebates for the purchase or lease of electric vehicles. A person may apply for and, as resources within the fund allow, receive a rebate for an electric vehicle, subject to eligibility requirements established by the trust. Eligibility criteria for the vehicle must include that the vehicle is: a battery electric vehicle or a plug-in hybrid electric vehicle; purchased, or leased from its original equipment manufacturer or an authorized licensee of the original equipment manufacturer or a licensed automobile dealer for a term of 36 months or more, in the State; and, to the extent required by Title 29-A, chapter 5, registered in the State, ~~except that a vehicle is not eligible if it has. An automobile, as defined in Title 29-A, section 101, subsection 7, with a gross vehicle weight rating of 6,000 pounds or less, is not a truck or an off-road vehicle and is not eligible for the program if it has a manufacturer's suggested retail price greater than \$50,000.~~ To the extent funds are available, the trust may extend program eligibility to medium duty vehicles and heavy duty vehicles that are battery electric vehicles or plug-in hybrid electric vehicles and to electric bicycles. Eligibility requirements for the recipient of the rebate must include that the recipient attests to a commitment to retain ownership, whether through purchase or lease, of the eligible electric vehicle for at least 36 months from the date of purchase or lease. The trust may require a recipient of a rebate under this section who does not retain ownership of the eligible electric vehicle for at least 36 months to repay the trust up to the full amount of the rebate. If the trust extends program eligibility to electric bicycles, the trust shall limit the