

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

JOINT STANDING COMMITTEE ON ENVIRONMENT
AND NATURAL RESOURCES

December 2021

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JOINT STANDING COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

LD 1503 An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution

ENACTED LAW SUMMARY

Public Law 2021, chapter 477 requires manufacturers of products with intentionally added perfluoroalkyl and polyfluoroalkyl substances, or PFAS, to report the presence of those substances in those products to the Department of Environmental Protection beginning in 2023. It also prohibits the sale of residential carpets or rugs, as well as the sale of fabric treatments, that contain intentionally added PFAS beginning in 2023. Additional product categories containing intentionally added PFAS may also be identified by the department and prohibited from sale. Effective in 2030, products containing intentionally added PFAS may not be sold unless the use of PFAS in a product is specifically designated by the department as a currently unavoidable use. The department is required, to the extent funds are available, to establish a PFAS source reduction program that provides information, education and grants to publicly owned treatment works and municipalities to reduce PFAS entering air, water or land.

Public Law 2021, chapter 477 was enacted as an emergency measure effective July 15, 2021.

LD 1505 An Act To Restrict the Use of Perfluoroalkyl and Polyfluoroalkyl Substances in Firefighting Foam

ENACTED LAW SUMMARY

Public Law 2021, chapter 449 prohibits, beginning January 1, 2022, a person from discharging or causing to be discharged for testing or training purposes a firefighting or fire suppressing foam to which perfluoroalkyl and polyfluoroalkyl substances, or PFAS, have been intentionally added unless the foam is entirely collected for proper disposal. A person that discharges or causes to be discharged firefighting or fire-suppressing foam to which PFAS have been intentionally added into the coastal waters, estuary, tidal flat, beach or land adjoining the seacoast of the State or into or upon any lake, pond, river, stream, sewer, surface water drainage, groundwater or other waters of the State or any public or private water supply or onto land adjacent to, on or over such waters of the State must report the discharge to the Department of Environmental Protection as soon as practicable but no later than 24 hours after the discharge occurs.

Public Law 2021, chapter 449 also prohibits, beginning January 1, 2022, a person from manufacturing, selling, offering for sale, distributing for sale or distributing for use in the State a firefighting or fire-suppressing foam to which PFAS have been intentionally added, subject to specific enumerated exceptions. On or before January 1, 2022, a person that manufactures firefighting or fire-suppressing foam to which PFAS have been intentionally added and, prior to January 1, 2022, sold, offered for sale or distributed such foam for sale or use in the State shall provide written notification of this prohibition to any person in the State that received such foam from the manufacturer and shall issue a recall of all such prohibited foam.

Public Law 2021, chapter 449 also directs the Department of Environmental Protection, in

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collaboration with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency and interested parties, to develop a framework for the collection and safe storage of prohibited firefighting and fire-suppressing foam that have not been returned to the manufacturer of the foam pursuant to a recall until the foam can be safely disposed of. The Department of Environmental Protection is required to submit to the Joint Standing Committee on Environment and Natural Resources by March 1, 2022 a report that includes such framework and any recommended legislation and the committee is authorized to report out a bill.

LD 1541 An Act To Support and Improve Municipal Recycling Programs and Save Taxpayer Money

ENACTED LAW SUMMARY

Public Law 2021, chapter 455 establishes a stewardship program in the State for packaging material, to be operated by a stewardship organization contracted by the Department of Environmental Protection following a competitive bidding process. Under the program, producers of products contained, protected, delivered, presented or distributed in or using packaging material pay into a fund based on the amount of packaging material associated with the products they sell, offer for sale or distribute for sale in or into the State. Producers can wholly or partially offset this payment obligation by implementing independent programs to recycle packaging of the same material type for which they have a payment obligation and can further reduce their payment obligation by reducing the amount of packaging associated with the products they sell, offer for sale or distribute for sale in or into the State or by meeting other program incentives. Producer payments received by the stewardship organization are used to reimburse eligible municipalities for certain recycling and waste management costs. To be eligible for such reimbursements, a municipality must share with the stewardship organization certain data regarding its recycling and waste management costs and must provide for the collection and recycling of packaging material generated in the municipality that is determined to be readily recyclable. In addition to the payment of municipal reimbursements, the stewardship organization is authorized to use producer payments to cover the operational costs for the program, to pay department fees and to make investments in education and infrastructure aimed at reducing packaging waste and improving recycling outcomes in the State.

LD 1572 Resolve, To Analyze the Impact of Sea Level Rise

ENACTED LAW SUMMARY

Resolve 2021, chapter 67 requires the Department of Agriculture, Conservation and Forestry, the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Transportation and the Office of the Attorney General to review the laws and rules they are charged with administering and, by January 1, 2022, submit recommendations to the Joint Standing Committee on Environment and Natural Resources necessary to incorporate consideration of 1.5 feet of relative sea level rise by