

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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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

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2050 and 4 feet by 2100 into administration of those laws and rules and to implement the strategy designated as "Strategy F3" in the 2020 state climate action plan.

LD 1600 An Act To Investigate Perfluoroalkyl and Polyfluoroalkyl Substance Contamination of Land and Groundwater

ENACTED LAW SUMMARY

Public Law 2021, chapter 478 establishes the Land Application Contaminant Monitoring Fund to be used by the Department of Environmental Protection to test and monitor soil and groundwater for perfluoroalkyl and polyfluoroalkyl substances, or PFAS, and other contaminants and for other related activities. The fund is funded by a \$10 per ton fee assessed annually beginning January 1, 2022 on the handling of septage or sludge. The department shall waive payment of the fee for any entity that would otherwise be assessed an annual fee of less than \$50 total.

Public Law 2021, chapter 478 also requires the department to develop and implement a program for the testing of soil and groundwater for PFAS contamination at locations where sludge or septage was applied prior to 2019, with program costs to be funded through the Land Application Contaminant Monitoring Fund. The department is authorized to determine testing prioritization criteria and is required to complete testing of half of such locations by December 31, 2024 and all such locations by December 31, 2025, excluding locations where the department is unable to obtain authorization to test. The department may not allow a person licensed to apply sludge or septage at a location from surrendering that license or permit unless the location has been tested under the program.

Public Law 2021, chapter 478 also requires the department to develop and implement a program to evaluate leachate collected and managed by solid waste landfills for PFAS contamination and, on or before January 15, 2024, to submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding the program including a description of the testing results and any recommendations.

LD 1631 An Act To Amend the Laws Banning Polystyrene Foam Regarding Packaging for Meat, Poultry, Fish, Seafood and Eggs

ENACTED LAW SUMMARY

Public Law 2021, chapter 208 amends State law prohibiting the processing, preparation, sale or provision of food or beverages by certain establishments in or on a polystyrene foam disposable food service container as follows.

1. It amends the definition of "disposable food service container" under that law to exclude service ware used to contain, transport or otherwise package raw, uncooked or butchered meat, poultry, fish, seafood or eggs. Effective July 1, 2025, the definition of "disposable food service