

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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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

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container" under that law includes service ware used to contain, transport or otherwise package raw, uncooked or butchered meat, poultry, fish, seafood or eggs.

2. It clarifies the definition of "service ware" as defined in that law.
3. It repeals, effective July 1, 2025, the current exemption under the law for a covered establishment to sell at retail food or beverages in or on a polystyrene foam disposable food service container that the covered establishment purchases prepackaged at wholesale.

Public Law 2021, chapter 208 was enacted as an emergency measure effective June 15, 2021.

LD 1635 An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection

ENACTED LAW SUMMARY

Public Law 2021, chapter 186 makes minor changes and corrections to certain laws administered by the Department of Environmental Protection relating to hazardous material response vehicles; underground oil storage tank installer and inspector certification; the Maine Environmental Protection Fund; waste management fees; the Natural Resources Protection Act; waste oil; recycled paper bags and reusable plastic bags; and beverage containers.

LD 1662 An Act Regarding Maine's Sales Prohibition on Upholstered Furniture Treated with Flame retardant Chemicals

ENACTED LAW SUMMARY

Public Law 2021, chapter 221 amends State law restricting the sale of residential upholstered furniture treated with flame-retardant chemicals as follows.

1. It provides that the restrictions under that law do not apply to any electronic components and associated electronic component casings of upholstered furniture.
2. It includes a retailer indemnification provision entitling a retailer in the State to a full refund from the manufacturer of the upholstered furniture for any upholstered furniture delivered to the retailer by the manufacturer that is subsequently determined to contain flame-retardant chemicals such that it is prohibited from sale or distribution in the State under that law.