

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
131<sup>ST</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON ENVIRONMENT  
AND NATURAL RESOURCES**

June 2024

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# STATE OF MAINE

131<sup>ST</sup> LEGISLATURE  
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## LEGISLATIVE DIGEST OF BILLS AND SUMMARIES OF ENACTED LAWS

This *Legislative Digest of Bills and Summaries of Enacted Laws* provides the disposition of all LDs and summaries of all laws enacted or finally passed during the Second Regular Session of the 131st Maine Legislature. Please note that all LDs and proposed amendments may be found through the Legislature's webpage, and each includes a summary of what the bill or amendment proposed.

The *Legislative Digest of Bills and Summaries of Enacted Laws* is arranged alphabetically by committee. Within each committee section is a subject index of all LDs considered by that committee as well as a digest of the LDs, arranged by LD number. Also included are enacted law summaries of the LDs enacted or finally passed. Brief analyst notes on certain LDs are also included: a committee digest will indicate if additional notes are provided for an LD. These notes add information staff found useful and may provide useful information to users of this *Digest*; please note that most LDs do not have a note and lack of a note should not be interpreted as having any significance. A separate section of the *Digest* provides a digest of the relatively few LDs that were not referred to a committee or reported from a committee as a committee bill; enacted law summaries of the LDs enacted or finally passed are provided. Finally, an appendix provides a summary of relevant session statistics.

The final disposition of each LD is noted in the relevant summary digest and index. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*.....defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*.....enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*.....emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*.....sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*.....ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*....ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*.....chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 131st Legislature is Friday, August 9, 2024. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

## JOINT STANDING COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

### **LD 1471 Resolve, Regarding Legislative Review of Portions of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a Late-filed Major Substantive Rule of the Department of Environmental Protection**

#### **ENACTED LAW SUMMARY**

Resolve 2023, chapter 169 authorizes final adoption of portions of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection that was submitted for legislative review outside the legislative rule acceptance period, only if certain specified changes are made to the rule prior to final adoption.

Resolve 2023, chapter 169 was finally passed as an emergency measure effective April 16, 2024.

### **LD 1537 An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 630 amends the laws governing products containing perfluoroalkyl and polyfluoroalkyl substances, or PFAS, as follows.

1. It amends the manufacturer notification requirement to provide that a manufacturer is only required to submit to the Department of Environmental Protection information regarding a product containing intentionally added PFAS that the manufacturer sells, offers for sale or distributes for sale in this State if the sale of that product is otherwise prohibited and the department has determined by rule that the use of PFAS in the product is a currently unavoidable use. A manufacturer that submits such a notification must at the same time pay to the department a fee established by the department by rule to cover the department's costs in administering the law.
2. It provides that, effective January 1, 2026, a person may not sell, offer for sale or distribute for sale in this State any of the following products containing intentionally added PFAS: a cleaning product, a cookware product, a cosmetic product, dental floss, a juvenile product, a menstruation product, a textile article, ski wax or upholstered furniture. This prohibition does not apply to any such product for which the department has determined by rule that the use of PFAS in the product is a currently unavoidable use.
3. It provides that, effective January 1, 2029, a person may not sell, offer for sale or distribute for sale in this State any of the following products containing intentionally added PFAS: artificial turf or, except where accompanied by a disclosure regarding PFAS in the product, outdoor apparel for severe wet conditions. This prohibition does not apply to any such product for which the department has determined by rule that the use of PFAS in the product is a currently unavoidable use.

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4. It provides that, effective January 1, 2032, a person may not sell, offer for sale or distribute for sale in this State any products containing intentionally added PFAS not already prohibited from sale, offer for sale or distribution for sale in this State, excluding cooling, heating, ventilation, air conditioning and refrigeration equipment and certain refrigerants, foams and aerosol propellants. This prohibition does not apply to any such product for which the department has determined by rule that the use of PFAS in the product is a currently unavoidable use.
5. It provides that, effective January 1, 2040, a person may not sell, offer for sale or distribute for sale in this State any cooling, heating, ventilation, air conditioning or refrigeration equipment or any refrigerants, foams or aerosol propellants that contain intentionally added PFAS. This prohibition does not apply to any such product for which the department has determined by rule that the use of PFAS in the product is a currently unavoidable use.
6. It exempts from the requirements of the law a number of categories of products, including firefighting foams; federally regulated medical products and federally regulated veterinary medical products; certain public health, environmental and water quality testing products; products required to meet certain federal standards or requirements; motor vehicles and motor vehicle equipment; watercraft and seaplanes; semiconductors; and certain nonconsumer electronics and nonconsumer laboratory equipment.
7. It stipulates the process by which the department may by rule determine that the use of PFAS in a product or product category is a currently unavoidable use. A product or product category for which the department determines the use of PFAS is a currently unavoidable use is exempt from an otherwise applicable sales prohibition for one of the following periods of time, whichever provides a longer period of exemption: five years from the effective date of the rule determining that the use of PFAS in the product or product category is a currently unavoidable use, or five years from the effective date of the otherwise applicable sales prohibition.
8. It requires the department, by January 1, 2026, and biennially thereafter, to submit to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters a report regarding implementation of the law and other state and federal laws governing the presence of PFAS in products, including any recommendations for necessary legislative changes. The law specifies that for this report due January 1, 2026, the department must include findings and recommendations resulting from an evaluation regarding the feasibility of implementing one or more product stewardship programs for certain regulated products containing intentionally added PFAS that are exempted from or otherwise regulated under the law.
9. It provides that proprietary information submitted to the department by a manufacturer pursuant to the requirements of the laws governing products containing PFAS that is identified by the manufacturer as proprietary information is confidential and must be handled by the department in the same manner as confidential information is handled under the Maine Revised Statutes, Title 38, section 1310-B.

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10. It makes additional technical and substantive changes to the laws governing products containing PFAS necessitated by the other changes provided in this law, including the incorporation of additional definitions and the clarification of existing definitions.

### **LD 1660 An Act to Ensure Proper Regulation of Chemical Plastic Processing**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 517 amends the solid waste laws to define “chemical plastic processing,” “plastic” and “plastic-to-plastic recycling” and clarifies that a facility that processes plastic waste through chemical plastic processing is a solid waste processing facility. “Chemical plastic processing” is defined as the processing of plastic waste using chemical or molecular methods into basic raw materials, feedstock chemicals, fuel for combustion, waxes or lubricants and does not include plastic-to-plastic recycling. The law also provides that, for the purposes of the recycling and source reduction determination requirement generally applicable to solid waste processing facilities, a solid waste processing facility may not count as recycled any plastic waste processed through chemical plastic processing. Finally, the law requires a solid waste processing facility that processes plastic waste through chemical plastic processing to satisfy financial assurance requirements currently applicable to solid waste disposal facilities.

### **LD 2021 An Act to Clarify the Laws Regarding Pharmaceutical Product Stewardship**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 504 amends the law establishing a drug take-back stewardship program to clarify that the entity that manufactures a drug is the regulated entity under that program and that retailers are not regulated as manufacturers of generic drugs.

### **LD 2030 An Act to Amend the Natural Resources Protection Act to Enhance the State’s Ability to Respond to and Prepare for Significant Flood Events and Storm Surge**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 531 amends the Natural Resources Protection Act as follows.

1. It exempts from permit requirements an emergency activity conducted or overseen by the State or a local government in, on, over or adjacent to a river, stream or brook when the emergency activity is necessary to alleviate an immediate threat to public health or safety caused by a flood event, subject to additional specified limitations.
2. It exempts from permit requirements the elevation of a building foundation when the building is located in a coastal sand dune system; on a pier, wharf or dock located wholly or partially