

JOINT STANDING COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

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

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in, on or over a coastal wetland; or adjacent to a protected natural resource, subject to additional specified limitations.

3. It exempts from permit requirements the repair of a pier, wharf or dock located wholly or partially in, on or over a coastal wetland where the height of the pier, wharf or dock is increased by no more than the amount necessary for the bottom of the lowest horizontal structural component of the deck to be four feet above base flood elevation, subject to additional specified limitations.
4. It provides that the Department of Environmental Protection may authorize through a permit by rule an increase in the height of a pier, wharf or dock located wholly or partially in, on or over a coastal wetland when reconstructed or replaced where the height of the pier, wharf or dock is increased by no more than the amount necessary for the bottom of the lowest horizontal structural component of the deck to be four feet above base flood elevation, subject to additional specified limitations.
5. It provides that the department may authorize through a permit or a permit by rule the reconstruction or replacement of a pier, wharf or dock in, on or over a coastal sand dune system if the pier, wharf or dock was in existence on January 1, 2024 and the reconstructed or replaced pier, wharf or dock is built on pilings, posts or similar supports that allow for the free movement of water, wind and sand under the deck, subject to additional specified limitations.
6. It provides that department rulemaking conducted prior to July 1, 2025 to amend its rule Chapter 305: Natural Resources Protection Act-Permit by Rule Standards and its rule Chapter 355: Coastal Sand Dune Rules to ensure the consistency of those rules with the statutory changes provided for in this law is routine technical rulemaking. The law also provides that prior to the final adoption of those rule amendments, the department may authorize through a permit or permit by rule, as applicable, certain pier, wharf or dock reconstruction, replacement or repair activities authorized by the statutory changes in the law.

Public Law 2023, chapter 531 was enacted as an emergency measure effective March 12, 2024.

LD 2034 An Act to Address Identified Gaps in the Laws Governing Erosion Control and the Natural Resources Protection Act

ENACTED LAW SUMMARY

Public Law 2023, chapter 505 amends the laws governing erosion control to extend the requirement for preventing unreasonable erosion of soil or sediment statewide instead of applying only in the organized areas of the State. The law does not extend the application of the retroactive provisions of the laws regarding erosion because of human activity, which currently apply only in the organized areas of the State, to the unorganized areas of the State. The law also clarifies that the Maine Land Use Planning Commission and the Department of Agriculture, Conservation and Forestry, Bureau of Forestry have enforcement authority pursuant to their delegated authority under the Natural Resources Protection Act.