

STATE OF MAINE
130TH LEGISLATURE
SECOND REGULAR SESSION



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

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

July 2022

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Joint Standing Committee on Environment and Natural Resources

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Enacted

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Enacted**

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Enacted

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DIGEST OF BILLS

130th Legislature, Second Regular Session - 2022

PL = Public Law
P&SL = Private and Special Law
RESLV = Resolve

Environment and Natural Resources (ENR)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
ENR	203	An Act To Increase Funding for the St. Croix International Waterway Commission	Reported Out	OTP-AM	Carried On Approps Table	3/9/21	Died On Adjournment			
ENR	259	An Act To Increase the Waste Handling Fee Imposed on the Landfilling of Municipal Solid Waste	Reported Out	OTP-AM/ ONTP/ OTP-AM	Carried Over In Comm	3/30/22	Enacted	PL	653	
ENR	489	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to a Healthy Environment	Reported Out	OTP-AM/ ONTP	Carried Over	4/21/21	Died On Adjournment			
ENR	676	An Act To Reclassify Part of the Androscoggin River to Class B	Reported Out	ONTP	Carried Over In Comm	3/3/22	Ought Not to Pass Pursuant to Joint Rule 310			
ENR	866	An Act Concerning Advanced Refrigeration Technology	Reported Out	REF/ ONTP	Carried Over In Comm	3/18/22	Indefinitely Postponed			
ENR	1429	An Act To Achieve Carbon Neutrality in Maine by the Year 2045	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	2/22/22	Enacted	PL	517	
ENR	1467	An Act To Promote a Circular Economy through Increased Post-consumer Recycled Plastic Content in Plastic Beverage Containers	Reported Out	OTP-AM	Carried On Approps Table	6/15/21	Enacted	PL	742	
ENR	1488	Resolve, To Study and Recommend Improvements to Maine's Dam Safety	Reported Out	OTP-AM/ ONTP	Carried On Approps Table	6/7/21	Finally Passed	RESLV	176	
ENR	1532	An Act To Protect Maine's Air Quality by Strengthening Requirements for Air Emissions Licensing	Reported Out	ONTP	Carried Over In Comm	1/11/22	Ought Not to Pass Pursuant to Joint Rule 310			

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130th Legislature, Second Regular Session - 2022

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Environment and Natural Resources (ENR)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
ENR	1616	An Act To Ensure That Municipalities and Multimunicipal Regions of Every Size and Capacity Have Guidance on Climate Adaptation and Resilience Strategies for Policy, Implementation and Investment Decision Support	Reported Out	OTP-AM/ ONTP	Carried Over In Comm	4/4/22	Died Between Houses			
ENR	1639	An Act To Protect the Health and Welfare of Maine Communities and Reduce Harmful Solid Waste	Reported Out	OTP-AM/ OTP-AM/ ONTP	Carried Over In Comm	4/1/22	Enacted	PL	626	
ENR	1801	An Act To Modify Exemptions for Certain Storm Water Discharges to Class AA and SA Waters	Reported Out	OTP		1/31/22	Emergency Enacted	PL	503	
ENR	1809	An Act To Allow Exceptions to the Height Limitations under the Shoreland Zoning Laws	Reported Out	OTP-AM/ ONTP		2/11/22	Enacted	PL	504	
ENR	1826	An Act To Require Reporting by the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species Regarding Recommendations To Reduce the Threat of Further Infestations	Reported Out	OTP-AM		2/22/22	Enacted	PL	522	
ENR	1835	An Act To Amend the Laws Governing Storm Water Management To Provide an Exemption for Mountain Bike Trails	Reported Out	OTP		1/31/22	Emergency Enacted	PL	507	
ENR	1872	Resolve, To Create a Task Force Relating to the Water Quality of Saco Bay	Reported Out	ONTP		2/3/22	Ought Not to Pass Pursuant to Joint Rule 310			
ENR	1875	Resolve, To Address Perfluoroalkyl and Polyfluoroalkyl Substances Pollution at State-owned Solid Waste Landfills	Reported Out	OTP-AM		3/8/22	Emergency Finally Passed	RESLV	172	
ENR	1911	An Act To Prevent the Further Contamination of the Soils and Waters of the State with So-called Forever Chemicals	Reported Out	OTP-AM/ OTP-AM/ ONTP		4/7/22	Enacted	PL	641	
ENR	1940	An Act To Ensure That Building Codes Allow the Installation and Use of Refrigeration and Air Conditioning Products and Equipment That Use Certain Federally Regulated Refrigerants	Reported Out	OTP-AM		2/16/22	Enacted	PL	524	
ENR	1964	An Act To Update Certain Water Quality Standards and To Reclassify Certain Waters of the State	Reported Out	OTP-AM		3/17/22	Enacted	PL	551	

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Environment and Natural Resources (ENR)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
ENR	1970	An Act To Implement Agency Recommendations Relating to Sea Level Rise and Climate Resilience Provided Pursuant to Resolve 2021, Chapter 67	Reported Out	OTP-AM/ ONTP		3/23/22	Enacted	PL	590	
ENR	1974	An Act To Establish and Fund the Maine Climate Corps Program Pursuant to Recommendations in the Report Required by Resolve 2021, Chapter 25	Reported Out	OTP-AM		3/16/22	Enacted	PL	728	
ENR	1979	An Act Regarding the Development of Comprehensive River Resource Management Plans	Reported Out	OTP-AM/ OTP-AM		4/5/22	Enacted	PL	675	
ENR	2018	An Act To Implement Recommendations Regarding the Incorporation of Equity Considerations in Regulatory Decision Making	Reported Out	OTP-AM/ OTP-AM		4/13/22	Enacted	PL	736	
ENR	2020	An Act To Implement Recommendations Regarding the Regulation of Firefighting or Fire-suppressing Foams to Which Perfluoroalkyl and Polyfluoroalkyl Substances Have Been Intentionally Added	Reported Out	OTP-AM		3/28/22	Enacted	PL	583	
ENR	2026	Resolve, Regarding Legislative Review of Chapter 180: Appliance Efficiency Standards, a Late-filed Major Substantive Rule of the Department of Environmental Protection's Bureau of Air Quality	Reported Out	OTP/ONTP		3/24/22	Finally Passed	RESLV	145	

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LD 259 An Act To Increase the Waste Handling Fee Imposed on the Landfilling of Municipal Solid Waste

ENACTED LAW SUMMARY

Public Law 2021, chapter 653 amends statutory waste handling fees to increase the fee imposed on the disposal at a landfill of municipal solid waste and municipal solid waste ash from \$1 per ton to \$2 per ton.

LD 1429 An Act Achieve Carbon Neutrality in Maine by the Year 2045

ENACTED LAW SUMMARY

Public Law 2021, chapter 517 amends the State's greenhouse gas emissions reductions law to provide that, beginning January 1, 2045, net annual greenhouse gas emissions in the State may not exceed zero metric tons.

LD 1467 An Act To Promote a Circular Economy through Increased Post-consumer Recycled Plastic Content in Plastic Beverage Containers

ENACTED LAW SUMMARY

Public Law 2021, chapter 742 provides that, beginning January 1, 2026, an initiator of deposit or spirits manufacturer may not sell, offer for sale or distribute for sale in the State a plastic beverage container unless all of the plastic beverage containers sold, offered for sale or distributed for sale in the State by that initiator of deposit or spirits manufacturer contain, on average and in the aggregate, at least 25% post-consumer recycled plastic or the initiator of deposit or spirits manufacturer pays a post-consumer recycled plastic content fee. That post-consumer recycled plastic requirement increases to 30% post-consumer recycled plastic beginning January 1, 2031. The Department of Environmental Protection is responsible for administering and enforcing the requirements of this law and may prohibit the sale of plastic beverage containers of initiators of deposit or spirits manufacturers that fail to comply with those requirements.

LD 1488 Resolve, To Study and Recommend Improvements to Maine's Dam Safety

ENACTED LAW SUMMARY

Resolve 2021, chapter 176 requires the Department of Defense, Veterans and Emergency Management to request a peer review from the Association of State Dam Safety Officials, to be completed by September 30, 2023, of the State's dam safety efforts. If the peer review is completed by September 30, 2023, the department is required to convene a stakeholder group to review and receive public input on the peer review, including recommendations to address any deficiencies

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identified in the peer review and to submit by January 1, 2024 a report to the joint standing committee of the Legislature having jurisdiction over veterans affairs that includes the results of the peer review, a summary of the stakeholder review and any recommendations for the improvement of dam safety, including suggested legislation. The committee is authorized to report out a bill to the Second Regular Session of the 131st Legislature based on the report.

LD 1639 An Act To Protect the Health and Welfare of Maine Communities and Reduce Harmful Solid Waste

ENACTED LAW SUMMARY

Public Law 2021, chapter 626 makes the following changes to the solid waste management laws.

1. It amends the definition of “waste generated within the State” beginning February 1, 2023 to provide that if the total weight of the residue generated in a calendar year by an incineration facility, recycling facility or solid waste processing facility that is disposed of or otherwise placed in a solid waste landfill in that calendar year exceeds the total weight of the solid waste initially generated within the State that was incinerated or processed by that facility in that calendar year, any such excess residue generated by that facility is not considered waste generated within the State.
2. It provides that certain solid waste processing facilities that were in operation during calendar year 2018 and that accept exclusively construction and demolition debris must reuse or recycle at least 30% of such debris through methods other than placement in a solid waste landfill by January 1, 2024, at least 40% of such debris through methods other than placement in a solid waste landfill by January 1, 2025 and at least 50% of such debris through methods other than placement in a solid waste landfill by January 1, 2026. It also eliminates the provision of law that authorizes such facilities to request a waiver from the Department of Environmental Protection from otherwise applicable reuse and recycling requirements.
3. It adds environmental justice to the public benefit determination standards for solid waste disposal facilities and provides a definition for “environmental justice.”

Public Law 2021, chapter 626 also directs the Department of Administrative and Financial Services, Bureau of General Services to evaluate options for the renegotiation of the operating services agreement of February 5, 2004, as amended, governing the operation of the state-owned solid waste landfill in Old Town for the purpose of ensuring that existing capacity at that landfill is prioritized for management of waste initially generated within the State within the meaning of the Maine Revised Statutes, Title 38, section 1303-C, subsection 40-A, paragraph A. By January 15, 2023, the bureau is directed to report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters the results of that evaluation and to provide any recommendations for legislative action necessary to ensure that existing capacity at the state-owned solid waste landfill in Old Town is prioritized for management of waste

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initially generated within the State. After receiving the report, the joint standing committee may report out legislation to implement any such recommendations.

LD 1801 An Act To Modify Exemptions for Certain Storm Water Discharges to Class AA and SA Waters

ENACTED LAW SUMMARY

Public Law 2021, chapter 503 amends the law governing exemptions for storm water discharges to Class AA and Class SA waters and provides that certain segments of waters classified as Class AA and Class SA are not designated as outstanding national resources.

Public Law 2021, chapter 503 was enacted as an emergency measure effective March 16, 2022.

LD 1809 An Act To Allow Exceptions to the Height Limitations under the Shoreland Zoning Laws

ENACTED LAW SUMMARY

Public Law 2021, chapter 504 amends how the height of an existing principal or accessory structure, including a legally existing nonconforming structure, located in the shoreland zone is measured when the structure is also located in an area of special flood hazard and there is a minimum elevation required for structures by a local floodplain management ordinance. It specifically allows for an exception to shoreland zoning height requirements for legally existing nonconforming structures located in an area of special flood hazard in order to be consistent with a local floodplain management elevation requirement.

LD 1826 An Act To Require Reporting by the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species Regarding Recommendations To Reduce the Threat of Further Infestations

ENACTED LAW SUMMARY

Public Law 2021, chapter 522 amends the statute governing the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species to require that, on or before January 15, 2023, and biennially thereafter, the task force submit to the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the joint standing committees of the Legislature having jurisdiction over environment and natural resources matters, inland fisheries and wildlife matters and marine resources matters a report containing its findings and recommendations, including any suggested legislation, on a variety of matters relating to controlling the introduction of invasive aquatic plants and nuisance species in the State. After reviewing the report, each joint standing committee may report out legislation related to the report.

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Public Law 2021, chapter 522 also requires the task force, in developing those findings and recommendations, to convene a stakeholder group that includes, but is not limited to, task force members, state natural resources agency staff and other persons with relevant experience or expertise including representatives of local and regional lake associations and representatives of lake protection organizations. It provides that for the first report due January 15, 2023, the task force is required to include additional one-time findings on a number of specified matters.

LD 1835 An Act To Amend the Laws Governing Storm Water Management To Provide an Exemption for Mountain Bike Trails

ENACTED LAW SUMMARY

Public Law 2021, chapter 507 exempts certain mountain bike trails from the storm water management requirements of the Maine Revised Statutes, Title 38, section 420-D.

Public Law 2021, chapter 507 was enacted as an emergency measure effective March 16, 2022.

LD 1875 Resolve, To Address Perfluoroalkyl and Polyfluoroalkyl Substances Pollution at State-owned Solid Waste Landfills

ENACTED LAW SUMMARY

Resolve 2021, chapter 172 directs the Department of Administrative and Financial Services, Bureau of General Services to conduct a study of methods of treating leachate collected at the state-owned solid waste landfills in Old Town and in East Millinocket to reduce the concentration of perfluoroalkyl and polyfluoroalkyl substances in the leachate. On or before January 15, 2023, the bureau is required to submit to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters a report containing its findings and recommendations, including any suggested legislation, resulting from its study. After receiving the report, the joint standing committee may report out legislation to implement any such recommendations to the 131st Legislature.

Resolve 2021, chapter 172 was finally passed as an emergency measure effective May 2, 2022.

LD 1911 An Act To Prevent the Further Contamination of the Soils and Waters of the State with So-called Forever Chemicals

ENACTED LAW SUMMARY

Public Law 2021, chapter 641 does the following.

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1. It authorizes the Department of Environmental Protection to require a person licensed to discharge wastewater to sample the effluent discharged for perfluoroalkyl and polyfluoroalkyl substances and to report the sample data to the department.
2. It provides that a person licensed or permitted by the department to apply or spread septage at one or more locations in the State may not apply septage at any location authorized under that license or permit if the department provides to the person a written determination that, based on testing conducted at the location or in close proximity to that location, the department has determined that the concentration of perfluoroalkyl and polyfluoroalkyl substances in groundwater at that location or in drinking water sources in close proximity to that location exceeds the applicable drinking water standard for perfluoroalkyl and polyfluoroalkyl substances.
3. It prohibits the department from issuing any new license or permit authorizing a person to apply or spread septage at any location in the State.
4. It repeals provisions of law that authorize a homeowner to arrange for septage from a residence on the homeowner's property to be disposed of on that property.
5. Subject to certain listed exceptions, it prohibits the application or spreading on any land in the State of sludge, any compost material that included in its production sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage or any other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement or mulch or for other similar agricultural purpose that is derived from or contains sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage.
6. Subject to certain listed exceptions, it prohibits the sale or distribution in the State of any compost material that included in its production sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage or any other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement or mulch or for other similar agricultural purpose that is derived from or contains sludge generated from a municipal, commercial or industrial wastewater treatment plant or septage.
7. It repeals the provision in law imposing a \$10 per ton fee on the handling of sludge and septage beginning January 1, 2022 and makes related statutory changes.
8. It repeals a provision of Public Law 2021, chapter 478 that prohibits a person licensed or permitted by the department to apply sludge or septage at a location subject to department evaluation for perfluoroalkyl and polyfluoroalkyl substances contamination from requesting to surrender the license or permit prior to its expiration unless the person has submitted to the evaluation and provided the results to the department.
9. It requires the department to study methods of and develop a plan for prohibiting the land application of septage in the State and, on or before January 15, 2023, to submit to the joint standing committee of the Legislature having jurisdiction over environment and natural

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resources matters a report containing its findings and recommendations, including any suggested legislation, resulting from that study. After receiving the report, the joint standing committee may report out legislation to implement any such recommendations.

LD 1940 An Act To Ensure That Building Codes Allow the Installation and Use of Refrigeration and Air Conditioning Products and Equipment That Use Certain Federally Regulated Refrigerants

ENACTED LAW SUMMARY

Public Law 2021, chapter 524 amends the law regarding municipal building codes to provide that building codes, including the Maine Uniform Building and Energy Code, may not prohibit the installation or use of “acceptable refrigeration or air conditioning products or equipment.” The term “acceptable refrigeration or air conditioning products or equipment” is defined to mean refrigeration or air conditioning products or equipment that use a refrigerant listed by the United States Environmental Protection Agency in regulations adopted pursuant to the federal Clean Air Act as acceptable, acceptable subject to use conditions or acceptable subject to narrowed use limits and that are installed in accordance with any applicable conditions or limitations imposed by those regulations.

LD 1964 An Act To Update Certain Water Quality Standards and To Reclassify Certain Waters of the State

ENACTED LAW SUMMARY

Public Law 2021, chapter 551 implements recommendations of the Board of Environmental Protection resulting from its review of the State’s water quality classification system and related water quality standards pursuant to the Maine Revised Statutes, Title 38, section 464, subsection 3, paragraph B, including specific updates to certain water quality standards and water quality classifications based on water quality data and the recommendations of the United States Environmental Protection Agency, the Department of Environmental Protection and other parties. It also includes technical clarifications to certain board reporting responsibilities and the corresponding authority for legislation of the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters.

LD 1970 An Act To Implement Agency Recommendations Relating to Sea Level Rise and Climate Resilience Provided Pursuant to Resolve 2021, Chapter 67

ENACTED LAW SUMMARY

Public Law 2021, chapter 590 implements the following agency recommendations resulting from a review by multiple agencies of their respective laws and rules to determine changes necessary to

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incorporate into those laws and rules sea level rise projections and measures designed to enhance community resilience to flooding and other climate impacts as required by Resolve 2021, chapter 67.

1. It amends the requirements of the Maine Land Use Planning Commission permit exception for the repair and maintenance or replacement of existing road culverts to incorporate similar requirements for such activities imposed under the Natural Resources Protection Act.
2. It amends Maine Land Use Planning Commission permit approval criteria for proposed developments to provide that, in making a determination regarding whether an applicant has made adequate provision for fitting the proposal harmoniously into the existing natural environment, the commission may consider the effects of sea level rise as specified by the commission by rule.
3. It amends the laws governing municipal planning and land use regulation to define “local climate action plan”; to incorporate such plans into a municipality's or multimunicipal region's growth management program through the preparation of a climate vulnerability assessment and by addressing in its program the climate risks identified in such assessments; and to require that the Department of Agriculture, Conservation and Forestry's technical and financial assistance program for the implementation of growth management programs provide priority in the making of grants under the technical and financial assistance program to municipalities and multimunicipal regions that have adopted local climate action plans and prepared climate vulnerability assessments.
4. It amends the site location of development laws to authorize the Department of Environmental Protection to consider the effects of sea level rise in determining whether a developer has made adequate provision for fitting a proposed development harmoniously into the existing natural environment.
5. It amends solid waste facility siting laws to authorize the Department of Environmental Protection to consider the effects of sea level rise in determining whether an applicant for a solid waste facility license has made adequate provision for fitting a proposed facility harmoniously into the existing natural environment.

LD 1974 An Act To Establish and Fund the Maine Climate Corps Program Pursuant to Recommendations in the Report Required by Resolve 2021, Chapter 25

ENACTED LAW SUMMARY

Public Law 2021, chapter 728 implements recommendations regarding the establishment and funding of the Maine Climate Corps Program made pursuant to the report required by Resolve 2021, chapter 25. It establishes the Maine Climate Corps Program under the Maine Commission for Community Service and also provides one-time and ongoing General Fund appropriations to fund the Maine Climate Corps Program and one-time General Fund appropriations to fund the

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Maine Service Fellows Program established under the Maine Revised Statutes, Title 5, section 7506.

LD 1979 An Act Regarding the Development of Comprehensive River Resource Management Plans

ENACTED LAW SUMMARY

Public Law 2021, chapter 675 directs the Department of Environmental Protection, in consultation with the Department of Agriculture, Conservation and Forestry, the Department of Inland Fisheries and Wildlife, the Department of Economic and Community Development, the Department of Marine Resources, the Governor's Energy Office and other state agencies as needed, to evaluate the current process for the development of comprehensive river resource management plans established under the Maine Revised Statutes, Title 12, section 407 to develop findings and recommendations. The Department of Environmental Protection is directed to submit, on or before January 15, 2023, to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters a report outlining those findings and recommendations, including any proposed legislation, and the joint standing committee is authorized to report out legislation relating to the report to the 131st Legislature in 2023.

Public Law 2021, chapter 675 also amends the current process for the development of comprehensive river resource management plans established under Title 12, section 407 to classify a comprehensive river resource management plan as a major substantive rule.

LD 2018 An Act To Implement Recommendations Regarding the Incorporation of Equity Considerations in Regulatory Decision Making

ENACTED LAW SUMMARY

Public Law 2021, chapter 736 implements recommendations regarding methods of incorporating equity considerations in decision making at the Department of Environmental Protection, the Public Utilities Commission and other state agencies made pursuant to the report required by Public Law 2021, chapter 279, section 3. It amends intervenor funding provisions applicable to Public Utilities Commission proceedings to clarify the eligibility requirements for intervenor funding, the sources of the funding and other related requirements and provisions to be adopted by rule, which may include but are not limited to establishment of a process by which the commission will give priority to qualified intervenors representing environmental justice populations. It also requires the Department of Environmental Protection to adopt rules establishing procedures to ensure that persons in environmental justice populations and frontline communities are provided with fair and equitable access to the department's decision-making processes under the Maine Revised Statutes, Title 38, sections 341-D and 341-H and establishes definitions for "environmental justice," "frontline communities" and related terminology.

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LD 2020 An Act To Implement Recommendations Regarding the Regulation of Firefighting or Fire-suppressing Foams to Which Perfluoroalkyl and Polyfluoroalkyl Substances Have Been Intentionally Added

ENACTED LAW SUMMARY

Public Law 2021, chapter 583 amends the law regulating firefighting and fire-suppressing foams to which perfluoroalkyl and polyfluoroalkyl substances have been intentionally added to provide that the prohibition on the manufacture, sale and distribution of such foams does not include foams manufactured, sold or distributed for a marine defense application if the use of the foam is required by the United States Department of Defense. It also amends that same law to provide that a person who manufactures for sale or distribution in the State a firefighting or fire-suppressing foam must, upon the request of the Department of Environmental Protection, provide the department with a certificate of compliance certifying that the foam does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances or is otherwise excepted from the state prohibition.

LD 2026 Resolve, Regarding Legislative Review of Chapter 180: Appliance Efficiency Standards, a Late-filed Major Substantive Rule of the Department of Environmental Protection's Bureau of Air Quality

ENACTED LAW SUMMARY

Resolve 2021, chapter 145 authorizes final agency adoption of Chapter 180: Appliance Efficiency Standards, a major substantive rule of the Department of Environmental Protection's bureau of air quality that was filed outside the legislative rule acceptance period.