

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1501

H.P. 1075

House of Representatives, May 7, 2013

**An Act To Apply the Precautionary Principle to Decision Making in
Certain State Agencies**

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland
MILlicent M. MacFARLAND
Clerk

Presented by Representative BOLAND of Sanford.

Cosponsored by Representatives: HARLOW of Portland, JONES of Freedom, KUSIAK of
Fairfield.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 35-A MRSA §1324** is enacted to read:

3 **§1324. Precautionary principle**

4 The commission shall employ the precautionary principle in its decision-making
5 process regarding a review of proposed action in matters of environmental safety and
6 public health as specified in this section. The precautionary principle must be used in
7 cases in which, after a review of the best scientific information available, there are
8 reasonable grounds for concern that a proposed action will have potentially dangerous
9 effects on the environment or human, animal or plant health although scientific
10 uncertainty exists regarding these potentially dangerous effects. In cases in which the
11 precautionary principle must be used, its use requires the burden of proof to be placed on
12 the proponent of the proposed action to show that the proposed action presents no
13 appreciable risk of harm to the environment or human, animal or plant health. The
14 commission may adopt routine technical rules as described in Title 5, chapter 375,
15 subchapter 2-A to implement this section.

16 **Sec. 2. 38 MRSA §344-C** is enacted to read:

17 **§344-C. Precautionary principle**

18 The department shall employ the precautionary principle in its decision-making
19 process regarding a review of proposed action in matters of environmental safety and
20 public health as specified in this section. The precautionary principle must be used in
21 cases in which, after a review of the best scientific information available, there are
22 reasonable grounds for concern that a proposed action will have potentially dangerous
23 effects on the environment or human, animal or plant health although scientific
24 uncertainty exists regarding these potentially dangerous effects. In cases in which the
25 precautionary principle must be used, its use requires the burden of proof to be placed on
26 the proponent of the proposed action to show that the proposed action presents no
27 appreciable risk of harm to the environment or human, animal or plant health. The
28 department may adopt routine technical rules as described in Title 5, chapter 375,
29 subchapter 2-A to implement this section.

30 **SUMMARY**

31 This bill requires the Public Utilities Commission and the Department of
32 Environmental Protection to employ the precautionary principle in their decision-making
33 process regarding a review of proposed action in matters of environmental safety and
34 public health. The precautionary principle must be used in cases in which, after a review
35 of the best scientific information available, there are reasonable grounds for concern that
36 a proposed action will have potentially dangerous effects on the environment or human,
37 animal or plant health although scientific uncertainty exists regarding these potentially
38 dangerous effects. In cases in which the precautionary principle must be used, its use
39 requires the burden of proof to be placed on the proponent of the proposed action to show

1 that the proposed action presents no appreciable risk of harm to the environment or
2 human, animal or plant health.