

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 2013

S.P. 729

In Senate, March 9, 2022

An Act Relating to Perfluoroalkyl and Polyfluoroalkyl Substances Contamination in the State

Reported by Senator DILL of Penobscot for the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 353.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§2-H** is enacted to read:

3 **2-H.**

4 Agriculture Advisory Committee on the Fund To Expenses Only 7 MRSA
5 Address PFAS Contamination §320-L

6 **Sec. 2. 7 MRSA c. 10-D** is enacted to read:

7 **CHAPTER 10-D**

8 **FUND TO ADDRESS PFAS CONTAMINATION**

9 **§320-K. Fund To Address PFAS Contamination**

10 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the
11 following terms have the following meanings.

12 A. "Advisory committee" means the Advisory Committee on the Fund To Address
13 PFAS Contamination in section 320-L.

14 B. "Agricultural enterprise" means a person or business located in this State and
15 engaged in the commercial growing or harvesting of plants; raising of animals; growing
16 or obtaining plant or animal by-products; or further processing, storing, packing or
17 marketing a raw product derived from plants, animals or plant or animal by-products
18 with the intent that the product be sold or otherwise disposed of to generate income.

19 C. "Agricultural land" has the same meaning as in section 32, subsection 2.

20 D. "Biosolids" has the same meaning as in section 742, subsection 1-A.

21 E. "Fund" means the Fund To Address PFAS Contamination under subsection 2.

22 F. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning
23 as in Title 32, section 1732, subsection 5-A.

24 **2. Fund established.** The Fund To Address PFAS Contamination is established
25 within the department as a nonlapsing fund for the purposes specified in this chapter.

26 **3. Sources of fund.** The fund is funded from funds accepted by the commissioner or
27 allocated or appropriated by the Legislature.

28 **4. Purposes.** Allocations from the fund may be made as determined by the department
29 upon recommendation of the advisory committee and for the following purposes:

30 A. Monitoring the health of a person, and members of that person's household, whose
31 agricultural land is found to be contaminated by PFAS;

32 B. Relocating a person whose agricultural land is found to be contaminated by PFAS;

33 C. Buying and selling agricultural land found to be contaminated by PFAS;

34 D. Investing in equipment, facilities and infrastructure to ensure that an agricultural
35 enterprise with land found to be contaminated by PFAS maintains profitability while
36 the agricultural enterprise transitions to a new cropping system;

1 E. Assisting an agricultural enterprise with land found to be contaminated by PFAS
2 with developing enterprise budgets for alternative cropping systems or transitioning to
3 alternative agricultural enterprise revenue streams, including but not limited to land use
4 systems combining agricultural use of the land with solar energy production;

5 F. Providing short-term assistance to a person whose agricultural land is found to be
6 contaminated by PFAS, including but not limited to income replacement and mortgage
7 payments;

8 G. Conducting research that informs the development of infrastructure to increase
9 PFAS testing capacity statewide, such as establishing state testing laboratories, and
10 data management;

11 H. Conducting research that supports short-term farm management decisions and
12 assesses future options for viable uses of agricultural land;

13 I. Conducting research that quantifies the impact of PFAS on the State's agricultural
14 enterprises and agricultural communities;

15 J. Conducting research on soil and water remediation systems and the viability of those
16 systems;

17 K. Assessing current uses of PFAS;

18 L. Funding for educational programs for landowners, including but not limited to
19 determining best practices for informing residents about the potential of being near or
20 on a biosolids application site, and providing information and guidance on buying or
21 selling agricultural lands that have had biosolids applied; and

22 M. Long-term monitoring of contaminated sites and establishing a corresponding
23 centralized data repository.

24 **5. Administration.** The department shall administer the fund allocations with the
25 review and advice of the advisory committee. The department may contract for
26 professional services to carry out the purposes of this section.

27 **6. Rules.** The department may adopt rules to implement this chapter. Rules adopted
28 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
29 subchapter 2-A.

30 **§320-L. Advisory Committee on the Fund To Address PFAS Contamination**

31 The Advisory Committee on the Fund To Address PFAS Contamination is established
32 pursuant to Title 5, section 12004-I, subsection 2-H to make recommendations to the
33 department regarding administration of the fund. In order to develop recommendations for
34 the department, the advisory committee may form working groups that include and seek
35 input from subject matter experts from the public and private sectors to deliberate issues
36 relating to the purposes of the fund, including but not limited to health monitoring, short-
37 term financial aid for farmers, research priorities, solar siting, long-term environmental
38 monitoring and land acquisition.

39 **1. Membership.** The advisory committee consists of:

40 A. The commissioner or the commissioner's designee;

41 B. The Commissioner of Environmental Protection or the commissioner's designee;

1 C. The dean of the Maine Agricultural and Forest Experiment Station at the University
2 of Maine, College of Natural Sciences, Forestry, and Agriculture or the dean of the
3 University of Maine Cooperative Extension, appointed by the President of the
4 University of Maine;

5 D. The Attorney General or the Attorney General's designee;

6 E. Two members of the public representing the agricultural sector, appointed by the
7 commissioner; and

8 F. One member of a soil and water conservation district as defined in Title 12, section
9 3, subsection 2, appointed by the commissioner.

10 **Sec. 3. Advisory committee to consider findings and recommendations.** By
11 March 1, 2023, the Advisory Committee on the Fund To Address PFAS Contamination
12 established in the Maine Revised Statutes, Title 7, section 320-L shall consider the
13 Department of Agriculture, Conservation and Forestry February 4, 2022 report "Findings
14 and Recommendations for a PFAS Study Plan Supporting L.D. 558" when developing
15 advisory committee recommendations, including but not limited to funding for research,
16 regarding administration of the Fund To Address PFAS Contamination.

17 **Sec. 4. Appropriations and allocations.** The following appropriations and
18 allocations are made.

19 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

20 **Bureau of Agriculture 0393**

21 Initiative: Provides one-time funding for initiatives to address perfluoroalkyl and
22 polyfluoroalkyl substances, or PFAS, contamination on agricultural land in the State.

23 GENERAL FUND	2021-22	2022-23
24 All Other	\$0	\$100,000,000
25		
26 GENERAL FUND TOTAL	<u>\$0</u>	<u>\$100,000,000</u>

27 **SUMMARY**

28 This bill is reported out by the Joint Standing Committee on Agriculture, Conservation
29 and Forestry pursuant to Joint Rule 353. The committee is reporting the bill out for the
30 sole purpose of turning the proposal into a printed bill that can be referred to the committee
31 for an appropriate public hearing and subsequent processing in the normal course. The
32 committee has not taken a position on the substance of this bill and by reporting this bill
33 out the committee is not suggesting and does not intend to suggest that it agrees or disagrees
34 with any aspect of this bill.

35 The bill establishes the Fund To Address PFAS Contamination within the Department
36 of Agriculture, Conservation and Forestry and the corresponding Advisory Committee on
37 the Fund To Address PFAS Contamination to make recommendations to the department
38 regarding administration of the fund. The bill authorizes the department to allocate funds
39 upon recommendation of the advisory committee and for certain purposes, including but
40 not limited to monitoring the health of a person, and members of that person's household,
41 whose agricultural land is found to be contaminated by perfluoroalkyl and polyfluoroalkyl
42 substances, or PFAS; buying and selling agricultural land found to be contaminated by

1 PFAS; conducting research; assisting an agricultural enterprise with land found to be
2 contaminated by PFAS; funding for educational programs; and long-term monitoring of
3 contaminated sites and establishing a corresponding centralized data repository.

4 The bill also authorizes the advisory committee to form working groups that include
5 and seek input from subject matter experts from the public and private sectors to deliberate
6 issues relating to the purposes of the fund, including but not limited to health monitoring,
7 short-term financial aid for farmers, research priorities, solar siting, long-term
8 environmental monitoring and land acquisition.

9 The bill provides one-time funding of \$100,000,000 to address PFAS contamination
10 on agricultural land in the State.