

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 289

H.P. 187

House of Representatives, January 27, 2023

**An Act to Require the State to Purchase Farms Contaminated with
Perfluoroalkyl and Polyfluoroalkyl Substances**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative PARRY of Arundel.
Cosponsored by Senator INGWERSEN of York and
Representatives: PLUECKER of Warren, RUDNICKI of Fairfield, WILLIAMS of Bar Harbor.

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

2 **Sec. 1. 7 MRSA §320-K, sub-§4**, as enacted by PL 2021, c. 635, Pt. XX, §2, is
3 amended to read:

4 **4. Purposes.** ~~Allocations~~ Except as provided in subsection 4-A, allocations from the
5 fund may be made as determined by the department upon recommendation of the advisory
6 committee and for the following purposes:

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

9 B. Providing medical care to a person found to have blood levels of PFAS greater than
10 the general population or health effects associated with exposure to PFAS;

11 C. Relocating a commercial farm when the agricultural land of the farm is found to be
12 contaminated by PFAS;

13 D. Buying and selling agricultural land found to be contaminated by PFAS;

14 E. Investing in equipment, facilities and infrastructure to ensure that a commercial
15 farm with land found to be contaminated by PFAS maintains profitability while the
16 commercial farm transitions to an alternative cropping system or implements
17 remediation strategies, technological adaptations, solar development or other
18 modifications to its operations in response to PFAS contamination;

19 F. Assisting a commercial farm with land found to be contaminated by PFAS with
20 developing enterprise budgets for alternative cropping systems, remediation strategies
21 or technological adaptations or transitioning to alternative revenue streams, including
22 but not limited to land use systems combining agricultural use of the land with solar
23 energy production;

24 G. Providing short-term assistance to a person whose commercial farm is found to be
25 contaminated by PFAS, including but not limited to income replacement and mortgage
26 payments;

27 H. Evaluating the capacity of PFAS testing and data management in the State;

28 I. Conducting research that supports short-term farm management decisions and
29 assesses future options for viable uses of agricultural land that has been contaminated
30 with PFAS;

31 J. Conducting research that quantifies the impact of PFAS on commercial farms and
32 agricultural communities in the State;

33 K. Conducting research on soil and water remediation systems and the viability of
34 those systems for commercial farms;

35 L. Conducting research on alternative cropping systems, PFAS uptake of different
36 crops, the use of livestock systems to mitigate exposure to and for remediation of PFAS
37 and food safety criteria for food products;

38 M. Developing and implementing educational programs for landowners, including but
39 not limited to determining best practices for informing residents about the potential of
40 being near or on a site on which sludge or septage application was licensed or permitted

- 1 by the State prior to 2019, and providing information and guidance on buying or selling
- 2 agricultural lands that have had sludge or septage applied;
- 3 N. Long-term monitoring of PFAS contaminated sites and establishing a
- 4 corresponding centralized data repository;
- 5 O. Establishing food safety criteria and guidance for farm products;
- 6 P. Assisting commercial farms and others in the agricultural sector not directly affected
- 7 by PFAS contamination with marketing efforts whose branding and marketing may be
- 8 affected by public perception of PFAS contamination in the State; and
- 9 Q. Regional planning with other states and the Federal Government to protect food
- 10 supply and farmers in the State from out-of-state PFAS contamination.

11 **Sec. 2. 7 MRSA §320-K, sub-§4-A** is enacted to read:

12 **4-A. Commercial farm with land found to be contaminated with PFAS prior to**
13 **January 1, 2023.** Within 9 months of the effective date of this subsection, the
14 commissioner shall offer to purchase the real estate of a commercial farm with land found
15 to be contaminated by PFAS prior to January 1, 2023. The purchase price must be the
16 assessed fair market value of the real estate but no less than \$20,000 per acre. The
17 commissioner shall prescribe appropriate documentation that PFAS contamination of land
18 of a commercial farm occurred prior to January 1, 2023. For purposes of this subsection,
19 "real estate" has the same meaning as in Title 32, section 14002, subsection 11.

20 The owner of a commercial farm may decline an offer by the State under this subsection.
21 If the owner of a commercial farm is willing to sell only a portion of the real estate, the fair
22 market value of the real estate that the owner retains must be subtracted from the per acre
23 purchase price. The assessment of the fair market value of the property under this
24 subsection may not take into consideration PFAS contamination of the land.

25 **SUMMARY**

26 This bill requires the Commissioner of Agriculture, Conservation and Forestry to
27 purchase the real estate of a commercial farm found to be contaminated by perfluoroalkyl
28 and polyfluoroalkyl substances, or PFAS, prior to January 1, 2023 at a purchase price of
29 the assessed fair market value of the real estate but no less than \$20,000 per acre. The
30 commissioner is also required to prescribe appropriate documentation that PFAS
31 contamination of land of a commercial farm occurred prior to January 1, 2023. The bill
32 also provides that the owner of a commercial farm may decline an offer by the State. If the
33 owner is willing to sell only a portion of the real estate, the fair market value of the real
34 estate that the owner retains must be subtracted from the per acre purchase price. The
35 assessment of the fair market value of the property may not take into consideration PFAS
36 contamination of the land.