

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1621

H.P. 1046

House of Representatives, April 12, 2023

An Act Regarding Environmental Justice

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Speaker TALBOT ROSS of Portland.
Cosponsored by Senator BENNETT of Oxford and
Representatives: BELL of Yarmouth, BRIDGEO of Augusta, DOUDERA of Camden, FAY of
Raymond, GRAMLICH of Old Orchard Beach, HOBBS of Wells, Senators: BRENNER of
Cumberland, CARNEY of Cumberland.

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

2 **Sec. 1. 38 MRSA §349-C** is enacted to read:

3 **§349-C. Environmental justice**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Environmental justice" means the fair treatment and meaningful involvement of
7 all people regardless of race, color, national origin or income with respect to the
8 development, implementation and enforcement of environmental laws, rules,
9 regulations and policies.

10 B. "Fair treatment" means that no group of people bears a disproportionate share of
11 the negative environmental consequences resulting from industrial, governmental or
12 commercial operations or policies.

13 C. "Frontline communities" means those people and communities that experience the
14 consequences of climate change first and to a greater degree than other people and
15 communities.

16 D. "Meaningful involvement" means, with respect to the department's decision-making
17 process, that:

18 (1) People and communities have an opportunity to participate in the
19 decision-making process regarding activities that have the potential to affect the
20 environment or public health;

21 (2) The department seeks out and facilitates the involvement in the
22 decision-making process of potentially affected people and communities;

23 (3) The contributions of people and communities to the decision-making process
24 can influence the department's decision making; and

25 (4) The department considers in its decision making the concerns and
26 contributions of people and communities provided as part of the decision-making
27 process.

28 **2. Consideration of environmental justice populations and frontline communities.**

29 The department shall ensure that persons in environmental justice populations and frontline
30 communities are provided with fair and equitable access to the department's
31 decision-making processes under section 341-H. The department shall adopt rules
32 establishing procedures to implement this subsection.

33 A. Rules adopted by the department pursuant to this subsection must define
34 "environmental justice populations," taking into consideration, at a minimum, median
35 household income, race, ethnicity and English language proficiency.

36 B. Rules adopted by the department pursuant to this subsection are routine technical
37 rules as defined in Title 5, chapter 375, subchapter 2-A, except that the board shall hold
38 a hearing in accordance with Title 5, section 8052 prior to the adoption of any rule
39 proposed pursuant to this subsection.

40 **Sec. 2. Appropriations and allocations.** The following appropriations and
41 allocations are made.

