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.

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.

2	Sec. 1. 38 MRSA §349-C is enacted to read:
3	§349-C. Environmental justice
4 5	1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
6 7 8 9	A. "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, rules, regulations and policies.
10 11 12	B. "Fair treatment" means that no group of people bears a disproportionate share of the negative environmental consequences resulting from industrial, governmental or commercial operations or policies.
13 14 15	C. "Frontline communities" means those people and communities that experience the consequences of climate change first and to a greater degree than other people and communities.
16 17	D. "Meaningful involvement" means, with respect to the department's decision-making process, that:
18 19 20	(1) People and communities have an opportunity to participate in the decision-making process regarding activities that have the potential to affect the environment or public health;
21 22	(2) The department seeks out and facilitates the involvement in the decision-making process of potentially affected people and communities;
23 24	(3) The contributions of people and communities to the decision-making process can influence the department's decision making; and
25 26 27	(4) The department considers in its decision making the concerns and contributions of people and communities provided as part of the decision-making process.
28 29 30 31 32	2. Consideration of environmental justice populations and frontline communities. The department shall 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 section 341-H. The department shall adopt rules establishing procedures to implement this subsection.
33 34 35	A. Rules adopted by the department pursuant to this subsection must define "environmental justice populations," taking into consideration, at a minimum, median household income, race, ethnicity and English language proficiency.
36 37 38 39	B. Rules adopted by the department pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that the board shall hold a hearing in accordance with Title 5, section 8052 prior to the adoption of any rule proposed pursuant to this subsection.
40 41	Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

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

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1 ENVIRONMENTAL PROTECTION, DEPARTMENT OF 2 **Maine Environmental Protection Fund 0421** 3 Initiative: Provides one-time funding for facilitator services, travel expenses, facility 4 rentals and meeting expenses. 5 **GENERAL FUND** 2023-24 2024-25 6 All Other \$150,000 \$0 7 8 \$150,000 \$0 GENERAL FUND TOTAL 9 Maine Environmental Protection Fund 0421 Initiative: Provides funding for one Public Service Coordinator I position, 2 Law Clerk 10 positions, one GIS Coordinator position and associated position costs. 11 12 GENERAL FUND 2023-24 2024-25 13 POSITIONS - LEGISLATIVE COUNT 4 000 4.000 14 Personal Services \$210,522 \$294,731 15 All Other \$9,219 \$12,292 16 \$219,741 17 GENERAL FUND TOTAL \$307,023 18 19 ENVIRONMENTAL PROTECTION, 20 **DEPARTMENT OF** 21 DEPARTMENT TOTALS 2023-24 2024-25 22 23 **GENERAL FUND** \$369,741 \$307,023 24 25 **DEPARTMENT TOTAL - ALL FUNDS** \$369,741 \$307,023 26 **SUMMARY** This bill enacts a provision that requires fair and equitable access to Department of 27 Environmental Protection decision-making processes for environmental justice 28 29 populations and frontline communities. The bill provides appropriations for various 30 positions in the department and for facilitator services, travel expenses, facility rentals and 31 meeting expenses.