



# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1621

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H.P. 1046

House of Representatives, April 12, 2023

### An Act Regarding Environmental Justice

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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.

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 <b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
6 All Other	\$150,000	\$0
7		
8 GENERAL FUND TOTAL	<u>\$150,000</u>	<u>\$0</u>

9 **Maine Environmental Protection Fund 0421**

10 Initiative: Provides funding for one Public Service Coordinator I position, 2 Law Clerk  
11 positions, one GIS Coordinator position and associated position costs.

12 <b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
13 POSITIONS - LEGISLATIVE COUNT	4.000	4.000
14 Personal Services	\$210,522	\$294,731
15 All Other	\$9,219	\$12,292
16		
17 GENERAL FUND TOTAL	<u>\$219,741</u>	<u>\$307,023</u>

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19 **ENVIRONMENTAL PROTECTION,**  
20 **DEPARTMENT OF**  
21 **DEPARTMENT TOTALS**

22	<b>2023-24</b>	<b>2024-25</b>
23 GENERAL FUND	<b>\$369,741</b>	<b>\$307,023</b>
24		
25 DEPARTMENT TOTAL - ALL FUNDS	<u>\$369,741</u>	<u>\$307,023</u>

26 **SUMMARY**

27 This bill enacts a provision that requires fair and equitable access to Department of  
28 Environmental Protection decision-making processes for environmental justice  
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.