

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Apply the Precautionary Principle to Decision Making in Certain State Agencies**

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

**Sec. 1. 35-A MRSA §1324** is enacted to read:

### **§ 1324. Precautionary principle**

The commission shall employ the precautionary principle in its decision-making process regarding a review of proposed action in matters of environmental safety and public health as specified in this section. The precautionary principle must be used in cases in which, after a review of the best scientific information available, there are reasonable grounds for concern that a proposed action will have potentially dangerous effects on the environment or human, animal or plant health although scientific uncertainty exists regarding these potentially dangerous effects. In cases in which the precautionary principle must be used, its use requires the burden of proof to be placed on the proponent of the proposed action to show that the proposed action presents no appreciable risk of harm to the environment or human, animal or plant health. The commission may adopt routine technical rules as described in Title 5, chapter 375, subchapter 2-A to implement this section.

**Sec. 2. 38 MRSA §344-C** is enacted to read:

### **§ 344-C. Precautionary principle**

The department shall employ the precautionary principle in its decision-making process regarding a review of proposed action in matters of environmental safety and public health as specified in this section. The precautionary principle must be used in cases in which, after a review of the best scientific information available, there are reasonable grounds for concern that a proposed action will have potentially dangerous effects on the environment or human, animal or plant health although scientific uncertainty exists regarding these potentially dangerous effects. In cases in which the precautionary principle must be used, its use requires the burden of proof to be placed on the proponent of the proposed action to show that the proposed action presents no appreciable risk of harm to the environment or human, animal or plant health. The department may adopt routine technical rules as described in Title 5, chapter 375, subchapter 2-A to implement this section.

## **SUMMARY**

This bill requires the Public Utilities Commission and the Department of Environmental Protection to employ the precautionary principle in their decision-making process regarding a review of proposed action in matters of environmental safety and public health. The precautionary principle must be used in cases in which, after a review of the best scientific information available, there are reasonable grounds for concern that a proposed action will have potentially dangerous effects on the environment or human, animal or plant health although scientific uncertainty exists regarding these potentially dangerous effects.

In cases in which the precautionary principle must be used, its use requires the burden of proof to be placed on the proponent of the proposed action to show that the proposed action presents no appreciable risk of harm to the environment or human, animal or plant health.