An Act Regarding Environmental Justice

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

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

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

§349-C. Environmental justice

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

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.

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.

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.

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

   (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;

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

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

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

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.

   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.

   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.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.
ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Maine Environmental Protection Fund 0421
Initiative: Provides one-time funding for facilitator services, travel expenses, facility rentals and meeting expenses.

<table>
<thead>
<tr>
<th>GENERAL FUND</th>
<th>2023-24</th>
<th>2024-25</th>
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<tbody>
<tr>
<td>All Other</td>
<td>$150,000</td>
<td>$0</td>
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GENERAL FUND TOTAL $150,000 $0

Maine Environmental Protection Fund 0421
Initiative: Provides funding for one Public Service Coordinator I position, 2 Law Clerk positions, one GIS Coordinator position and associated position costs.

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<thead>
<tr>
<th>GENERAL FUND</th>
<th>2023-24</th>
<th>2024-25</th>
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<tbody>
<tr>
<td>POSITIONS - LEGISLATIVE COUNT</td>
<td>4.000</td>
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<tr>
<td>Personal Services</td>
<td>$210,522</td>
<td>$294,731</td>
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<tr>
<td>All Other</td>
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GENERAL FUND TOTAL $219,741 $307,023

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
DEPARTMENT TOTALS

<table>
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<th>GENERAL FUND</th>
<th>2023-24</th>
<th>2024-25</th>
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<tr>
<td>$369,741</td>
<td>$307,023</td>
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DEPARTMENT TOTAL - ALL FUNDS $369,741 $307,023

SUMMARY

This bill enacts a provision that requires fair and equitable access to Department of Environmental Protection decision-making processes for environmental justice populations and frontline communities. The bill provides appropriations for various positions in the department and for facilitator services, travel expenses, facility rentals and meeting expenses.