

CHAPTER 10-D

FUND TO ADDRESS PFAS CONTAMINATION

§320-K. Fund To Address PFAS Contamination

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

A. "Advisory committee" means the Advisory Committee on the Fund To Address PFAS Contamination in section 320-L. [PL 2021, c. 635, Pt. XX, §2 (NEW).]

B. "Agricultural land" has the same meaning as in section 32, subsection 2. [PL 2021, c. 635, Pt. XX, §2 (NEW).]

C. "Commercial farm" means a farm that produces any farm product with the intent that the farm product be sold or otherwise disposed of to generate income. [PL 2021, c. 635, Pt. XX, §2 (NEW).]

D. "Farm product" has the same meaning as in section 52, subsection 3-A. [PL 2021, c. 635, Pt. XX, §2 (NEW).]

E. "Fund" means the Fund To Address PFAS Contamination established under subsection 2. [PL 2021, c. 635, Pt. XX, §2 (NEW).]

F. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning as in Title 32, section 1732, subsection 5-A. [PL 2021, c. 635, Pt. XX, §2 (NEW).]

G. "Septage" has the same meaning as in Title 38, section 1303-C, subsection 27. [PL 2021, c. 635, Pt. XX, §2 (NEW).]

H. "Sludge" has the same meaning as in Title 38, section 1303-C, subsection 28-A. [PL 2021, c. 635, Pt. XX, §2 (NEW).]
[PL 2021, c. 635, Pt. XX, §2 (NEW).]

2. Fund established. The Fund To Address PFAS Contamination is established within the office of the commissioner as a nonlapsing account for the purposes specified in this chapter. [PL 2021, c. 635, Pt. XX, §2 (NEW).]

3. Sources of the fund. The fund is funded from money accepted by the commissioner or allocated or appropriated by the Legislature, including funds stipulated for deposit in the fund as part of the terms of settlement of legal actions relating to PFAS contamination against corporations, partnerships or individuals. [PL 2021, c. 635, Pt. XX, §2 (NEW).]

4. Purposes. Allocations from the fund may be made as determined by the department upon recommendation of the advisory committee and for the following purposes:

A. Monitoring the health of a person, and members of that person's household, whose agricultural land is found to be contaminated by PFAS; [PL 2021, c. 635, Pt. XX, §2 (NEW).]

B. Providing medical care to a person found to have blood levels of PFAS greater than the general population or health effects associated with exposure to PFAS; [PL 2021, c. 635, Pt. XX, §2 (NEW).]

C. Relocating a commercial farm when the agricultural land of the farm is found to be contaminated by PFAS; [PL 2021, c. 635, Pt. XX, §2 (NEW).]

- D. Buying and selling agricultural land found to be contaminated by PFAS; [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- E. Investing in equipment, facilities and infrastructure to ensure that a commercial farm with land found to be contaminated by PFAS maintains profitability while the commercial farm transitions to an alternative cropping system or implements remediation strategies, technological adaptations, solar development or other modifications to its operations in response to PFAS contamination; [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- F. Assisting a commercial farm with land found to be contaminated by PFAS with developing enterprise budgets for alternative cropping systems, remediation strategies or technological adaptations or transitioning to alternative revenue streams, including but not limited to land use systems combining agricultural use of the land with solar energy production; [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- G. Providing short-term assistance to a person whose commercial farm is found to be contaminated by PFAS, including but not limited to income replacement and mortgage payments; [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- H. Evaluating the capacity of PFAS testing and data management in the State; [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- I. Conducting research that supports short-term farm management decisions and assesses future options for viable uses of agricultural land that has been contaminated with PFAS; [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- J. Conducting research that quantifies the impact of PFAS on commercial farms and agricultural communities in the State; [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- K. Conducting research on soil and water remediation systems and the viability of those systems for commercial farms; [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- L. Conducting research on alternative cropping systems, PFAS uptake of different crops, the use of livestock systems to mitigate exposure to and for remediation of PFAS and food safety criteria for food products; [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- M. Developing and implementing educational programs for landowners, including but not limited to determining best practices for informing residents about the potential of being near or on a site on which sludge or septage application was licensed or permitted by the State prior to 2019, and providing information and guidance on buying or selling agricultural lands that have had sludge or septage applied; [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- N. Long-term monitoring of PFAS contaminated sites and establishing a corresponding centralized data repository; [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- O. Establishing food safety criteria and guidance for farm products; [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- P. Assisting commercial farms and others in the agricultural sector not directly affected by PFAS contamination with marketing efforts whose branding and marketing may be affected by public perception of PFAS contamination in the State; and [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- Q. Regional planning with other states and the Federal Government to protect food supply and farmers in the State from out-of-state PFAS contamination. [PL 2021, c. 635, Pt. XX, §2 (NEW).]
- [PL 2021, c. 635, Pt. XX, §2 (NEW).]

5. Administration. The department shall administer the fund allocations in accordance with a plan that establishes funding priorities, administration and oversight and with the review and advice of

the advisory committee. The department may contract for professional services to carry out the purposes of this section.

[PL 2021, c. 635, Pt. XX, §2 (NEW).]

6. Rules. The department may adopt rules to implement this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 635, Pt. XX, §2 (NEW).]

7. Reports. Beginning March 1, 2023, and annually thereafter, the department shall submit a report on the plan under subsection 5 and on the uses of the fund to the joint standing committees of the Legislature having jurisdiction over agriculture, conservation and forestry, environment and natural resources and health and human services matters. The report must include information on the status of carrying out the purposes of the fund as described in subsection 4, additional needs identified by the agricultural community, what funds have been disbursed from the fund and for what purpose those funds were disbursed. The report must include the activities of the advisory committee, including, but not limited to, the number of meetings held, a summary of each meeting and recommendations for legislation from the advisory committee.

[PL 2021, c. 635, Pt. XX, §2 (NEW).]

SECTION HISTORY

PL 2021, c. 635, Pt. XX, §2 (NEW).

§320-L. Advisory Committee on the Fund To Address PFAS Contamination

The Advisory Committee on the Fund To Address PFAS Contamination is established pursuant to Title 5, section 12004-I, subsection 2-I to make recommendations to the department regarding administration of the fund. In order to develop recommendations for the department, the advisory committee may form working groups that include and seek input from subject matter experts from the public and private sectors to deliberate issues relating to the purposes of the fund as described in section 320-K, subsection 4, including, but not limited to, health monitoring, short-term financial aid for farmers, research priorities, solar siting, long-term environmental monitoring and land acquisition. [PL 2023, c. 212, §2 (AMD).]

1. Membership. The advisory committee consists of:

A. Two members of the Senate, appointed by the President of the Senate, including one member of the party holding the largest number of seats in the Senate and one member of the party holding the 2nd largest number of seats in the Senate; [PL 2021, c. 635, Pt. XX, §2 (NEW).]

B. Two members of the House of Representatives, appointed by the Speaker of the House of Representatives, including one member of the party holding the largest number of seats in the House and one member of the party holding the 2nd largest number of seats in the House; [PL 2021, c. 635, Pt. XX, §2 (NEW).]

C. The commissioner or the commissioner's designee; [PL 2021, c. 635, Pt. XX, §2 (NEW).]

D. The Commissioner of Environmental Protection or the commissioner's designee; [PL 2021, c. 635, Pt. XX, §2 (NEW).]

E. The Commissioner of Health and Human Services or the commissioner's designee; [PL 2021, c. 635, Pt. XX, §2 (NEW).]

F. The dean of the Maine Agricultural and Forest Experiment Station at the University of Maine, College of Natural Sciences, Forestry, and Agriculture or the dean of the University of Maine Cooperative Extension, appointed by the President of the University of Maine; [PL 2021, c. 635, Pt. XX, §2 (NEW).]

G. One member of the public representing the financial sector and with expertise in agricultural finance and lending, appointed by the commissioner; [PL 2021, c. 635, Pt. XX, §2 (NEW).]

H. Five members of the public representing the agricultural sector, appointed by the commissioner; and [PL 2021, c. 635, Pt. XX, §2 (NEW).]

I. One member of the public with expertise in public health, appointed by the commissioner. [PL 2021, c. 635, Pt. XX, §2 (NEW).]

The 7 members of the public appointed by the commissioner serve on the advisory committee for terms of 3 years. Members may be appointed for consecutive terms. Members who are Legislators are appointed for the duration of the legislative terms of office for which they were appointed, except that at the end of the term, members who are Legislators continue to serve until a successor is appointed. [PL 2023, c. 212, §3 (AMD).]

2. Chairs. The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the advisory committee. [PL 2021, c. 635, Pt. XX, §2 (NEW).]

3. Proceedings of the advisory committee. The advisory committee shall hold at least 2 public hearings annually to seek input from the public on efforts to meet the purposes of the fund. All proceedings of the advisory committee are public proceedings within the meaning of Title 1, chapter 13, subchapter 1. Notwithstanding Title 1, section 403, subsection 6, all records of proceedings of the advisory committee are public and subject to the requirements of Title 1, section 403, subsection 2. [PL 2023, c. 212, §4 (AMD).]

SECTION HISTORY

PL 2021, c. 635, Pt. XX, §2 (NEW). PL 2023, c. 212, §§2-4 (AMD).

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