

1 C. Supplementing or enhancing other short-term rental assistance programs such as
2 rapid rehousing services;

3 D. Creating supportive housing for people with disabilities, mental health challenges
4 or substance use disorder using an approach that prioritizes providing permanent
5 housing to people experiencing homelessness; and

6 E. Any other use that addresses housing emergencies in the State.

7 **4. Reporting.** Beginning February 1, 2023, the Maine State Housing Authority shall
8 provide a quarterly report of expenditures from the fund and the goals and achievements of
9 the program to the joint standing committee of the Legislature having jurisdiction over
10 housing matters.

11 **Sec. WW-2. Transfer from General Fund unappropriated surplus;**
12 **Emergency Housing Relief Fund.** Notwithstanding any provision of law to the
13 contrary, on or before June 30, 2023, the State Controller shall transfer \$22,000,000 from
14 the unappropriated surplus of the General Fund to the Maine State Housing Authority,
15 Emergency Housing Relief Fund, Other Special Revenue Funds account to provide rental
16 assistance, supplement or create other programs addressing the needs of people
17 experiencing homelessness or facing other immediate housing needs, supplement other
18 short-term rental assistance programs, create supportive housing for people with
19 disabilities, mental health challenges or substance use disorder using an approach that
20 prioritizes providing permanent housing to people experiencing homelessness and support
21 other uses that address housing emergencies in the State.

22 **PART XX**

23 **Sec. XX-1. 5 MRSA §12004-I, sub-§2-I** is enacted to read:

24 **2-I.**

25 <u>Agriculture</u>	<u>Advisory Committee on the Fund To</u>	<u>Legislative Per Diem</u>	<u>7 MRSA</u>
26	<u>Address PFAS Contamination</u>	<u>and Expenses for</u>	<u>§320-L</u>
27		<u>Legislators/Expenses</u>	
28		<u>Only for Other</u>	
29		<u>Members</u>	

30 **Sec. XX-2. 7 MRSA c. 10-D** is enacted to read:

31 **CHAPTER 10-D**

32 **FUND TO ADDRESS PFAS CONTAMINATION**

33 **§320-K. Fund To Address PFAS Contamination**

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

36 A. "Advisory committee" means the Advisory Committee on the Fund To Address
37 PFAS Contamination in section 320-L.

38 B. "Agricultural land" has the same meaning as in section 32, subsection 2.

1 C. "Commercial farm" means a farm that produces any farm product with the intent
2 that the farm product be sold or otherwise disposed of to generate income.

3 D. "Farm product" has the same meaning as in section 52, subsection 3-A.

4 E. "Fund" means the Fund To Address PFAS Contamination established under
5 subsection 2.

6 F. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning
7 as in Title 32, section 1732, subsection 5-A.

8 G. "Septage" has the same meaning as in Title 38, section 1303-C, subsection 27.

9 H. "Sludge" has the same meaning as in Title 38, section 1303-C, subsection 28-A.

10 **2. Fund established.** The Fund To Address PFAS Contamination is established
11 within the office of the commissioner as a nonlapsing account for the purposes specified in
12 this chapter.

13 **3. Sources of the fund.** The fund is funded from money accepted by the commissioner
14 or allocated or appropriated by the Legislature, including funds stipulated for deposit in the
15 fund as part of the terms of settlement of legal actions relating to PFAS contamination
16 against corporations, partnerships or individuals.

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

19 A. Monitoring the health of a person, and members of that person's household, whose
20 agricultural land is found to be contaminated by PFAS;

21 B. Providing medical care to a person found to have blood levels of PFAS greater than
22 the general population or health effects associated with exposure to PFAS;

23 C. Relocating a commercial farm when the agricultural land of the farm is found to be
24 contaminated by PFAS;

25 D. Buying and selling agricultural land found to be contaminated by PFAS;

26 E. Investing in equipment, facilities and infrastructure to ensure that a commercial
27 farm with land found to be contaminated by PFAS maintains profitability while the
28 commercial farm transitions to an alternative cropping system or implements
29 remediation strategies, technological adaptations, solar development or other
30 modifications to its operations in response to PFAS contamination;

31 F. Assisting a commercial farm with land found to be contaminated by PFAS with
32 developing enterprise budgets for alternative cropping systems, remediation strategies
33 or technological adaptations or transitioning to alternative revenue streams, including
34 but not limited to land use systems combining agricultural use of the land with solar
35 energy production;

36 G. Providing short-term assistance to a person whose commercial farm is found to be
37 contaminated by PFAS, including but not limited to income replacement and mortgage
38 payments;

39 H. Evaluating the capacity of PFAS testing and data management in the State;

- 1 I. Conducting research that supports short-term farm management decisions and
2 assesses future options for viable uses of agricultural land that has been contaminated
3 with PFAS;
- 4 J. Conducting research that quantifies the impact of PFAS on commercial farms and
5 agricultural communities in the State;
- 6 K. Conducting research on soil and water remediation systems and the viability of
7 those systems for commercial farms;
- 8 L. Conducting research on alternative cropping systems, PFAS uptake of different
9 crops, the use of livestock systems to mitigate exposure to and for remediation of PFAS
10 and food safety criteria for food products;
- 11 M. Developing and implementing educational programs for landowners, including but
12 not limited to determining best practices for informing residents about the potential of
13 being near or on a site on which sludge or septage application was licensed or permitted
14 by the State prior to 2019, and providing information and guidance on buying or selling
15 agricultural lands that have had sludge or septage applied;
- 16 N. Long-term monitoring of PFAS contaminated sites and establishing a
17 corresponding centralized data repository;
- 18 O. Establishing food safety criteria and guidance for farm products;
- 19 P. Assisting commercial farms and others in the agricultural sector not directly affected
20 by PFAS contamination with marketing efforts whose branding and marketing may be
21 affected by public perception of PFAS contamination in the State; and
- 22 Q. Regional planning with other states and the Federal Government to protect food
23 supply and farmers in the State from out-of-state PFAS contamination.
- 24 **5. Administration.** The department shall administer the fund allocations in
25 accordance with a plan that establishes funding priorities, administration and oversight and
26 with the review and advice of the advisory committee. The department may contract for
27 professional services to carry out the purposes of this section.
- 28 **6. Rules.** The department may adopt rules to implement this chapter. Rules adopted
29 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
30 subchapter 2-A.
- 31 **7. Reports.** Beginning March 1, 2023, and annually thereafter, the department shall
32 submit a report on the plan under subsection 5 and on the uses of the fund to the joint
33 standing committees of the Legislature having jurisdiction over agriculture, conservation
34 and forestry, environment and natural resources and health and human services matters.
35 The report must include information on the status of carrying out the purposes of the fund
36 as described in subsection 4, additional needs identified by the agricultural community,
37 what funds have been disbursed from the fund and for what purpose those funds were
38 disbursed. The report must include the activities of the advisory committee, including, but
39 not limited to, the number of meetings held, a summary of each meeting and
40 recommendations for legislation from the advisory committee.
- 41 **§320-L. Advisory Committee on the Fund To Address PFAS Contamination**

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

10 **1. Membership.** The advisory committee consists of:

11 A. Two members of the Senate, appointed by the President of the Senate, including
12 one member of the party holding the largest number of seats in the Senate and one
13 member of the party holding the 2nd largest number of seats in the Senate;

14 B. Two members of the House of Representatives, appointed by the Speaker of the
15 House of Representatives, including one member of the party holding the largest
16 number of seats in the House and one member of the party holding the 2nd largest
17 number of seats in the House;

18 C. The commissioner or the commissioner's designee;

19 D. The Commissioner of Environmental Protection or the commissioner's designee;

20 E. The Commissioner of Health and Human Services or the commissioner's designee;

21 F. The dean of the Maine Agricultural and Forest Experiment Station at the University
22 of Maine, College of Natural Sciences, Forestry, and Agriculture or the dean of the
23 University of Maine Cooperative Extension, appointed by the President of the
24 University of Maine;

25 G. One member of the public representing the financial sector and with expertise in
26 agricultural finance and lending, appointed by the commissioner;

27 H. Five members of the public representing the agricultural sector, appointed by the
28 commissioner; and

29 I. One member of the public with expertise in public health, appointed by the
30 commissioner.

31 The 7 members of the public appointed by the commissioner serve on the advisory
32 committee for terms of 3 years. Members may be appointed for consecutive terms.
33 Members who are Legislators are appointed for the duration of the legislative terms of
34 office for which they were appointed.

35 **2. Chairs.** The first-named Senate member is the Senate chair and the first-named
36 House of Representatives member is the House chair of the advisory committee.

37 **3. Reports.** The advisory committee shall hold at least 2 public hearings annually to
38 seek input from the public on efforts to meet the purposes of the fund. All proceedings of
39 the advisory committee are public proceedings within the meaning of Title 1, chapter 13,
40 subchapter 1. Notwithstanding Title 1, section 403, subsection 6, all records of proceedings
41 of the advisory committee are public and subject to the requirements of Title 1, section 403,
42 subsection 2. The advisory committee shall report to the joint standing committee of the

1 Legislature having jurisdiction over agricultural matters and the joint standing committee
2 of the Legislature having jurisdiction over environmental matters annually, beginning
3 March 1, 2023, on the input from subject matter experts under subsection 1 and members
4 of the public on issues relating to the purposes and the use of the fund. The joint standing
5 committee of the Legislature having jurisdiction over agricultural matters and the joint
6 standing committee of the Legislature having jurisdiction over environmental matters may
7 report out legislation related to each annual report to the Legislature in the session when
8 the report is received.

9 **Sec. XX-3. Initial plan priorities; programs.** The Department of Agriculture,
10 Conservation and Forestry, referred to in the section as "the department," shall develop and
11 implement an initial plan that prioritizes funding and implementation of the following
12 programs consistent with the purposes in the Maine Revised Statutes, Title 7, section
13 320-K, subsection 4. The department shall seek public comment on a draft proposal before
14 final adoption of the plan. For the purposes of this section, "PFAS," "commercial farm"
15 and "agricultural land" have the same meanings as in Title 7, section 320-K, subsection 1.

16 1. The department shall establish a program as soon as practicable to provide short-
17 term assistance to a person whose commercial farm is found to be contaminated by PFAS
18 that may include income replacement and mortgage payments.

19 2. The department may establish a program to fund long-term assistance for
20 commercial farms with agricultural land that is found to be contaminated by PFAS. The
21 program must address a range of alternative strategies including assisting farmers with
22 investing in equipment, facilities and infrastructure to maintain profitability during a
23 transition to alternative cropping systems, remediation strategies, technological
24 adaptations, solar development or other modifications to its operations; purchasing
25 agricultural land found to be contaminated by PFAS; assisting farmers with renegotiating
26 mortgages and lines of credit; and assisting farmers whose land is found to be contaminated
27 by PFAS with purchasing of alternative land.

28 3. The department may establish, in coordination with the Department of Health and
29 Human Services, Maine Center for Disease Control and Prevention, a PFAS medical
30 monitoring and blood levels of PFAS testing program for persons whose drinking water or
31 agricultural land is found to be contaminated by PFAS. If the department establishes a
32 program under this subsection, the department may not require a person to show a present
33 injury or disease to qualify for the program.

34 A. In accordance with rules adopted by the department under Title 7, section 320-K,
35 subsection 6, the program may include payment by the department for annual testing
36 of blood levels of PFAS and related services and diagnostic evaluations for an affected
37 person who does not have sufficient health coverage for testing under this paragraph
38 and related services. The program must allow the drawing of blood for the testing in a
39 health care provider's office or by a laboratory. The program must allow a blood
40 sample taken by a health care provider or laboratory to test for blood levels of PFAS
41 to be sent to a facility approved by the Department of Health and Human Services.

42 B. The department may develop criteria for funding medical monitoring and health
43 care for persons found to have blood levels of PFAS greater than the general population
44 and when it is medically relevant to undergo periodic medical examination and health
45 care.

1 **Sec. XX-4. Long-term plan for the administration of the funds.** In
2 implementing the Fund To Address PFAS Contamination, under the Maine Revised
3 Statutes, Title 7, section 320-K, the Department of Agriculture, Conservation and Forestry
4 shall, with the advice of the Advisory Committee on the Fund To Address PFAS
5 Contamination:

6 1. Review examples in other state, federal and international jurisdictions of
7 compensatory, research or public health monitoring program parameters;

8 2. Consult with experts and participants in similar programs;

9 3. Consult with stakeholders affected by PFAS contamination by holding public
10 hearings and receiving public comments;

11 4. Develop methods for determining parameters of the fund components, including,
12 but not limited to, determining financial assistance offerings, evaluating agricultural land
13 valuation, establishing research priorities and assessing research proposals and establishing
14 the need for and scope of long-term health monitoring and land monitoring, and offer
15 recommendations to alter the fund components;

16 5. Develop processes and criteria to be used to determine funding awards;

17 6. Create a time frame for the implementation of the fund and for the consideration of
18 applications for fund programs and issuance of payments, including, but not limited to,
19 land appraisals and income tax statements;

20 7. Recommend changes to the administration of the fund and corresponding programs
21 to the Legislature, if necessary;

22 8. Establish rules in accordance with Title 7, section 320-K, subsection 6 to ensure
23 that applicants for fund programs are able to participate in the process;

24 9. Assess where and how the fund would be best housed and operated within State
25 Government in the future; and

26 10. Take into consideration recommendations, including suggested legislation, of the
27 advisory committee.

28 **Sec. XX-5. Advisory committee to consider findings and**
29 **recommendations.** By March 1, 2023, the Advisory Committee on the Fund To Address
30 PFAS Contamination established in the Maine Revised Statutes, Title 7, section 320-L shall
31 consider the Department of Agriculture, Conservation and Forestry February 4, 2022 report
32 "Findings and Recommendations for a PFAS Study Plan Supporting L.D. 558" when
33 developing advisory committee recommendations, including but not limited to funding for
34 research, regarding administration of the Fund To Address PFAS Contamination.

35 **Sec. XX-6. Transfer to the Department of Agriculture, Conservation and**
36 **Forestry, Office of the Commissioner program; on or before May 1, 2022.**
37 Notwithstanding any provision of law to the contrary, on or before May 1, 2022, the State
38 Controller shall transfer \$5,000,000 from the unappropriated surplus of the General Fund
39 to the Department of Agriculture, Conservation and Forestry, Office of the Commissioner
40 program, Fund To Address PFAS Contamination, Other Special Revenue Funds account
41 for the purposes as provided under the Maine Revised Statutes, Title 7, section 320-K,
42 subsection 4.

