

MAINE

How Does Maine Define Environmental Justice and Environmental Justice Communities?

Environmental Justice Definitions:

Statute defines “Environmental justice” as “ ... 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.”¹

The Maine Department of Environmental Protection (DEP) regulations define environmental justice as “the right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment regardless of ancestry, class, disability, ethnicity, income, national origin, or religion. environmental justice includes the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of waste management laws, regulations, and licensing decisions.”²

Environmental Justice Mapping Tools:

Maine GeoLibrary is a comprehensive catalogue that offers many layerable filters that may be useful for EJ policymakers in the state. Categories of filters include farming, biota, boundaries, environment, health, society, climatology, meteorology, atmosphere, economy, and more.³

How Does Maine Consider Environmental Justice in its Substantive Actions⁴?

Environmental Justice as a Policy of the Environmental Agency or Across All Agencies:

N/A.

Consideration of Environmental Justice in Permitting:

Maine statutes require a public benefit determination before an applicant may submit an application for a license for a new or expanded solid waste disposal facility.⁵ In 2021, Maine DEP adopted regulations incorporating into the public benefit determination a requirement for a finding that the proposed facility is “not inconsistent with ensuring environmental justice for the community in which the facility is proposed.”⁶

¹ HP 1500 §349-C, LD 2018.

² 06-096-400 Me. Code R. § 1.

³ Me. Geolibary, *GeoLibrary Data Catalog*, <https://www.maine.gov/geolib/catalog.html> (last visited July 7, 2022).

⁴ Substantive is defined as governing the original rights and obligations of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/substantive_law (last visited June 28, 2022).

⁵ 38 M.R.S. §1310AA.

⁶ 06-096-400 Me. Code R. § 5.

Consideration of Environmental Justice in Enforcement:

N/A.

Consideration of Environmental Justice in Land Use:

N/A.

State Environmental Policy Act “Mini-NEPA”:

N/A.

Dedicated Funding to Environmental Justice Communities:

N/A.

Consideration of Cumulative Impacts:

N/A.

Prohibitions on Disparate Impact Discrimination:

N/A.

Established Environmental Rights:

N/A.

How Does Maine Address Environmental Justice in its Procedures⁷?

Environmental Justice as Part of Environmental Agency’s Mission:

N/A.

Environmental Justice as Part of Other Agency’s Mission:

N/A.

Processes and Procedures (including Title VI):

- Non-Discrimination Policy:

The Maine DEP website includes a notice of nondiscrimination pursuant to Title VI, other federal laws, and the Maine Human Rights Act, 5 M.R.S. § 4551

⁷ Procedural is defined as rules and the methods used to ensure the rights of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/procedural_law (last visited June 28, 2022).

*et seq.*⁸ The site states that the DEP will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities listed above.

- *Grievance Procedures:*

N/A.

- *Enhanced Public Participation and Information Access:*

N/A.

- *Language Access:*

N/A.

- *Consultation with Indigenous Communities and Tribal Nations:*

N/A.

Governmental Environmental Justice Structures, Positions, and Funding Streams:

- *Environmental Justice Coordinating Agency:*

N/A.

- *Environmental Justice Coordinator:*

N/A.

- *Environmental Justice Advisory Board:*

N/A.

- *Funding for Environmental Justice:*

N/A.

Additional Maine Environmental Justice Provisions?

In 2019, the Maine legislature created the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations (Commission).⁹ The Commission seeks to “promote, implement and coordinate programs that create and improve opportunities and incorporate the goal of eliminating disparities for historically disadvantaged racial, indigenous

⁸ Me. DEP, *DEP Notice of Nondiscrimination*, <https://www1.maine.gov/dep/about/nondiscrimination.html> (last visited June 29, 2022).

⁹ 5 M.R.S. §12004-I, sub-§74-J.

and tribal populations in Maine.” Membership on the Commission includes a representative from each of the federally recognized Indian tribes in the State and other specific appointments.

In June 2020, Maine’s governor dedicated \$50,000 from the Governor’s Contingent Account to support to work of the Commission with the goal of helping understand racial disparities in the state and how to best address them.¹⁰ The Governor also called on the Legislature to provide a sustained annual source of funding for the Commission to be able to continue its work.

Maine Environmental Justice Contacts?

Amanda Beckwith, IPMA-SCP
Human Resources Director - Natural Resources Service Center
Department of Administrative and Financial Services
155 State House Station - Augusta, Maine 04333-0155
Phone: (207) 624-6391
Fax: (207) 287-2216
Amanda.Beckwith@maine.gov

Where to Find Maine Environmental Justice Laws, Policies, and Tools?

Constitutional Provisions:

N/A.

Executive Orders:

N/A.

Legislation and Statutes:

- 5 M.R.S. §12004-I, sub-§74-J
- [Maine S.P. 426 – L.D. 1263](#) (2017) (funds to increase the affordability of water treatment filtration systems for households with contaminated private drinking water wells and household incomes no greater than 120% of the area median income).

Regulations:

¹⁰ Press Release, State of Me. Off. of Gov. Janet T. Mills, Governor Mills Dedicates \$50,000 to Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations (June 25, 2020), *available at* <https://www.maine.gov/governor/mills/news/governor-mills-dedicates-50000-permanent-commission-status-racial-indigenous-and-maine-tribal>.

- 06-096-400 Me. Code R. §§ 1 & 5

Policies/Guidance:

N/A.

Mapping Tools:

N/A.

Other:

N/A.