

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

---

Legislative Document

No. 565

---

H.P. 409

House of Representatives, February 5, 2019

### **An Act To Establish the Maine Coastal Risks and Hazards Commission**

---

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative BLUME of York.  
Cosponsored by Senator BREEN of Cumberland and  
Representatives: BAILEY of Saco, COOPER of Yarmouth, DODGE of Belfast, HOBBS of  
Wells, HYMANSON of York, JORGENSEN of Portland, McCREIGHT of Harpswell.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§24-G** is enacted to read:

3 **24-G.**

4	<u>Environment:</u>	<u>Maine Coastal Risks</u>	<u>Legislative Per</u>	<u>38 MRSA §1805</u>
5	<u>Natural Resources</u>	<u>and Hazards</u>	<u>Diem and Expenses</u>	
6		<u>Commission</u>	<u>for Legislators and</u>	
7			<u>Expenses Only for</u>	
8			<u>Certain Members</u>	

9 **Sec. 2. 38 MRSA §1805** is enacted to read:

10 **§1805. Maine Coastal Risks and Hazards Commission**

11 **1. Establishment and purpose.** The Maine Coastal Risks and Hazards  
12 Commission, referred to in this section as "the commission," established by Title 5,  
13 section 12004-I, subsection 24-G, is created for the purpose of developing and  
14 recommending objectives, strategies, legislation and rules and recommending other  
15 actions to address and prepare for coastal and coastal watershed hazards identified by the  
16 commission, including, but not limited to, increased storm surges, extreme precipitation  
17 and other extreme weather events, projected sea level rise and increased river flooding  
18 and storm water runoff and the risks such hazards pose to municipalities, the coastal  
19 economy and state assets.

20 **2. Membership.** The commission consists of the following 21 members:

21 A. One member of the Senate, appointed by the President of the Senate;

22 B. Two members of the House of Representatives, appointed by the Speaker of the  
23 House of Representatives;

24 C. The Commissioner of Environmental Protection or the commissioner's designee;

25 D. The Commissioner of Transportation or the commissioner's designee;

26 E. The Director of the Bureau of Resource Information and Land Use Planning  
27 within the Department of Agriculture, Conservation and Forestry or the director's  
28 designee;

29 F. The director of the Maine coastal zone management program within the  
30 Department of Marine Resources or the director's designee;

31 G. A representative of a greater Portland council of governments, appointed by the  
32 Speaker of the House of Representatives upon the recommendation of the council;

33 H. A representative of a Hancock County planning commission, appointed by the  
34 President of the Senate upon the recommendation of the planning commission;

35 I. A representative of a Lincoln County regional planning commission, appointed by  
36 the Speaker of the House of Representatives upon the recommendation of the  
37 planning commission;

1           J. A representative of a southern Maine planning and development commission,  
2           appointed by the Speaker of the House of Representatives upon the recommendation  
3           of the planning and development commission;

4           K. A representative of a Washington County council of governments, appointed by  
5           the President of the Senate upon the recommendation of the council;

6           L. The following 5 individuals, appointed by the President of the Senate:

7                   (1) A representative of an organization that represents the interests of  
8                   municipalities in the State;

9                   (2) A representative of an organization that represents the interests of the tourism  
10                  or recreational industry in the State;

11                  (3) A representative of a statewide organization that promotes professional  
12                  environmental management practices to protect and improve the waters and  
13                  related environments in the State;

14                  (4) A representative of an organization that represents the interests of a marine-  
15                  based industry in the State; and

16                  (5) A member of the public with demonstrated expertise in the matters to be  
17                  addressed by the commission; and

18           M. The following 4 individuals, appointed by the Speaker of the House of  
19           Representatives:

20                   (1) A representative of an organization that represents the interests of the real  
21                   estate industry in the State;

22                   (2) A representative of an organization that represents the interests of a working  
23                   waterfront or fisheries-based industry in the State;

24                   (3) A member of the public with demonstrated expertise and credentials in  
25                   marine-based policy; and

26                   (4) A member of the public with demonstrated expertise in the matters to be  
27                   addressed by the commission.

28           3. Chairs. At the first meeting of the commission, the commission shall select a  
29           chair from among its members and may select a new chair annually.

30           4. Staffing. The Legislative Council shall provide staff support for the operation of  
31           the commission, except that Legislative Council staff support is not authorized when the  
32           Legislature is in regular or special session. In addition, the commission may contract for  
33           administrative, professional and clerical services if funding permits.

34           5. Quorum. For purposes of holding a meeting, a quorum is a simple majority of all  
35           members appointed to the commission under subsection 2. A quorum must be present to  
36           start a meeting or to vote but not to continue or adjourn a meeting.

37           6. Terms; vacancies. Members of the commission serve for a term of 2 years and  
38           may be reappointed. A vacancy must be filled in the same manner as the original

1 appointment. Members may continue to serve until their replacements are designated. A  
2 member may designate an alternate to serve on a temporary basis.

3 **7. Consultation.** Whenever the commission considers it appropriate, the  
4 commission may seek the advice of experts in fields related to its duties.

5 **8. Powers and duties.** The commission shall:

6 A. Meet at least 4 times annually. The Executive Director of the Legislative Council  
7 shall call the first meeting of the commission as soon as funding permits and all  
8 appointments have been made;

9 B. Review the best available science relating to current and future coastal and coastal  
10 watershed hazards, including, but not limited to, increased storm surges, extreme  
11 precipitation and other extreme weather events, projected sea level rise and increased  
12 river flooding and storm water runoff. The commission shall make available on a  
13 publicly accessible website all publications and information reviewed or compiled for  
14 review by the commission;

15 C. Identify coastal assets that are vulnerable to current and future coastal and coastal  
16 watershed hazards and determine the risks to be considered by the commission in  
17 developing a set of objectives and recommendations for action under paragraphs D  
18 and E;

19 D. Develop or identify a set of objectives, actionable strategies and best practices to  
20 protect, adapt and sustain coastal assets that are vulnerable to current and future  
21 coastal and coastal watershed hazards identified by the commission; and

22 E. Develop recommended legislation, rules and other actions in accordance with the  
23 set of objectives, strategies and best practices developed or identified under  
24 paragraph D to reduce the vulnerability of coastal assets and to adapt to current and  
25 future coastal and coastal watershed hazards identified by the commission.

26 **9. Report and recommendations.** On or before November 1, 2022, and every 4  
27 years thereafter, the commission shall submit a report to the joint standing committee of  
28 the Legislature having jurisdiction over environmental and natural resources matters  
29 containing its recommendations, including draft legislation, regarding actions to be taken  
30 by the State to address and prepare for coastal and coastal watershed hazards identified by  
31 the commission.

32 **10. Compensation.** Legislative members of the commission are entitled to receive  
33 the legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and  
34 other necessary expenses for their attendance at authorized meetings of the commission.  
35 Public members not otherwise compensated by their employers or other entities that they  
36 represent are entitled to receive reimbursement of necessary expenses and, upon a  
37 determination of financial hardship, a per diem equal to the legislative per diem for their  
38 attendance at authorized meetings of the commission.

39 **11. Outside funding.** The commission may seek outside funding to fund the cost of  
40 public hearings, conferences, workshops, other meetings and other activities of the  
41 commission. All contributions are subject to approval by the Legislative Council in

1 accordance with its policies. All funds accepted must be forwarded to the Executive  
2 Director of the Legislative Council along with an accounting record that includes the  
3 amount of funds, the date the funds were received, from whom the funds were received  
4 and the purpose of and any limitation on the use of those funds. The executive director  
5 shall administer any funds received by the commission and accepted as approved by the  
6 Legislative Council.

7

## SUMMARY

8 This bill establishes the Maine Coastal Risks and Hazards Commission, the purpose  
9 of which is to develop and submit legislative recommendations regarding the actions to  
10 be taken by the State to address and prepare for coastal and coastal watershed hazards  
11 identified by the commission, including, but not limited to, increased storm surges,  
12 extreme precipitation and other extreme weather events, projected sea level rise and  
13 increased river flooding and storm water runoff. On or before November 1, 2022, and  
14 every 4 years thereafter, the commission must submit a report to the joint standing  
15 committee of the Legislature having jurisdiction over environmental and natural  
16 resources matters containing its recommendations, including any draft legislation, to  
17 address and prepare for identified coastal and coastal watershed hazards.