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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1333

H.P. 937

House of Representatives, March 31, 2009

An Act To Establish Climate and Energy Planning in Maine

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Speaker PINGREE of North Haven.
Cosponsored by President MITCHELL of Kennebec and
Representatives: DUCHESNE of Hudson, EBERLE of South Portland, WALSH INNES of
Yarmouth, MAZUREK of Rockland, WELSH of Rockport, Senators: DAMON of Hancock,
GOODALL of Sagadahoc, SIMPSON of Androscoggin.

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

2 **PART A**

3 **Sec. A-1. 38 MRSA c. 3-C is enacted to read:**

4 **CHAPTER 3-C**

5 **THE CLIMATE AND ENERGY PLANNING ACT OF 2009**

6 **§580-G. Short title; findings; purpose**

7 This chapter may be known and cited as "the Climate and Energy Planning Act of
8 2009."

9 The Legislature finds and declares that the stabilization and the reduction of
10 greenhouse gas emissions in accordance with the state goals established in section 576
11 are mandated by and consistent with its duty to protect the health, safety and welfare of
12 its citizens, enhance and maintain the quality of the environment, conserve natural
13 resources and prevent air, water and land pollution. The Legislature further finds and
14 declares that reduced reliance on the fossil fuels that contribute to greenhouse gas
15 emissions is necessary to improve energy security and to reduce the economic impacts of
16 the State's heavy reliance on imported fuels.

17 The Legislature further finds and declares that making progress towards the State's
18 medium-term and long-term greenhouse gas emission reduction goals set forth in section
19 576 requires consideration and reduction of climate impacts and effects as an integral part
20 of state planning and licensing, and consideration in the development of new public and
21 private infrastructure. While not every plan or project can or should be required to meet
22 the State's goals by itself, it is the intention of the Legislature that all future developments
23 contribute as much as reasonably possible towards attainment of the State's greenhouse
24 gas emission reduction goals.

25 **§580-H. Definitions**

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

28 **1. Climate change effects.** "Climate change effects" means the reasonably
29 foreseeable impacts that long-term expected changes in the climate may have upon a
30 proposed project or activity, including, where applicable, the effects of sea level rise;
31 alterations in precipitation, temperature, snowpack, icing, flooding or other weather-
32 related phenomena; and other changes resulting from climate change.

33 **2. Climate change impacts.** "Climate change impacts" means the net lifetime
34 emissions of greenhouse gases, or other pollutants, from a project or activity that
35 contribute to the phenomenon of climate change due to global warming. "Climate change
36 impacts" also means potential impacts of a project or activity on the ability of natural
37 systems to adapt to climate change.

1 **3. Embodied greenhouse gas emissions.** "Embodied greenhouse gas emissions"
2 means all direct and indirect emissions of greenhouse gas resulting from construction and
3 development activities, including, but not limited to, emissions associated with materials
4 used, transportation of people, goods and materials to and from the project site, site
5 disturbance and changes in land use, the operation of equipment during construction or
6 development, energy use during construction and development and waste prevention,
7 disposal and recycling during construction. Where applicable, "embodied greenhouse gas
8 emissions" also includes net lifetime emissions due to site management and may include
9 consideration of sustainable and verifiable carbon storage.

10 **4. Energy-related greenhouse gas emissions.** "Energy-related greenhouse gas
11 emissions" means emissions that could reasonably result from energy use or production
12 or from heating, cooling, lighting, equipment use and other activities associated with the
13 postconstruction operation of a project or activity.

14 **5. Greenhouse gas.** "Greenhouse gas" has the same meaning as in section 574,
15 subsection 1.

16 **6. Long-term project decision.** "Long-term project decision" means final approval
17 by any state authority of any capital investment, loan or construction project of the State
18 that will result in the purchase, development or significant improvement of public
19 infrastructure with a useful life of 15 or more years, including, but not limited to, schools,
20 roads, bridges and other transportation facilities, correctional facilities, water or sewage
21 treatment plants, recreational facilities, communication and energy infrastructure, public
22 buildings and other infrastructure.

23 **7. Planning decision.** "Planning decision" means final approval by any state
24 authority of plans or management decisions that could significantly affect energy use or
25 net lifetime emissions of greenhouse gases, including, but not limited to:

26 A. Transit planning or studies by the Department of Transportation or the Maine
27 Turnpike Authority, including planning for locally administered projects funded by
28 the State;

29 B. Resource or management plans by any agency overseeing public lands and natural
30 resources, including state lands, parks, forests, waters, fish and wildlife;

31 C. Establishment or amendment of land use districts and standards by the Maine
32 Land Use Regulation Commission or any revisions to its comprehensive land use
33 plan;

34 D. Administrative or management plans involving use of public buildings, schools
35 and other infrastructure; and

36 E. Construction standards, procurement criteria or other decisions that can affect
37 energy use and the volume of greenhouse gas emissions by state facilities.

38 **8. State authority.** "State authority" means:

39 A. Any state agency;

1 B. Any other state authority, including the University of Maine System, the Maine
2 Maritime Academy and the Maine Community College System; and

3 C. Any advisory organization, including an authority, board, commission,
4 committee, council, task force or similar organization of an advisory nature,
5 established, authorized or organized by law or resolve or by executive order issued by
6 the Governor, unless the law, resolve or executive order establishing, authorizing or
7 organizing the advisory organization specifically exempts the organization from the
8 application of this chapter.

9 **9. Transportation-related greenhouse gas emissions.** "Transportation-related
10 greenhouse gas emissions" are emissions of greenhouse gas that could reasonably result
11 from the transportation of people and goods associated with a project or activity or with
12 the postconstruction operation of a project or activity.

13 **§580-I. Review of climate effects in state planning and project decisions**

14 Except in any case in which the department waives the requirements of this section
15 pursuant to section 580-K, the department and state authority shall comply with the
16 requirements of this section in accordance with the implementation schedule in
17 subsection 3.

18 **1. Analysis required.** A state authority shall consider and include in any planning
19 decision or long-term project decision an analysis of the reasonably foreseeable climate
20 change impacts and climate change effects. The department shall also consider and
21 include the same analysis in its review of any application for a license, permit or other
22 approval governed by section 580-J.

23 A. The analysis of climate change impacts must include an estimate of reasonably
24 foreseeable net lifetime emissions of greenhouse gases and any other factors that may
25 contribute to climate change, including:

26 (1) Embodied greenhouse gas emissions;

27 (2) Energy-related greenhouse gas emissions;

28 (3) Transportation-related greenhouse gas emissions; and

29 (4) Other greenhouse gas emissions resulting from the project or activity.

30 B. The analysis must include an analysis of whether there are any practicable
31 alternatives to the project or activity that would avoid, minimize or mitigate the
32 reasonably foreseeable climate change impacts and climate change effects.

33 C. The state authority responsible for conducting the analysis shall consult with and
34 obtain the comments of any other state authority that has any jurisdiction over or
35 special expertise with respect to issues relevant to the project or activity. Copies of
36 the analysis and the comments of state authorities consulted must be made available
37 to the public and must be completed before any final decision on the project or
38 activity is made. The analysis must be integrated into and accompany the proposal
39 for the project or activity through any review process of the state authority. The final
40 decision of the state authority on the project or activity must take the comments and

1 concerns of other agencies and the public into account and must be responsive to
2 those comments and concerns.

3 **2. Decisions consistent with State's greenhouse gas reduction goals.** A decision
4 of the department or a state authority on a project or activity subject to the requirements
5 of this section must be consistent with the achievement of the greenhouse gas emission
6 reduction goals set forth in section 576 as follows:

7 A. A decision made after the effective date of this subsection and prior to January 1,
8 2020 must be consistent with the achievement of the greenhouse gas emission
9 reduction goals set forth in section 576, subsections 1 and 2; and

10 B. A decision made on or after January 1, 2020 or a decision made after the effective
11 date of this subsection that involves actions that occur after December 31, 2019 or
12 that relates to a project that has a useful life that extends beyond December 31, 2019
13 must make substantial progress towards the achievement of the long-term greenhouse
14 gas emission reduction goals set forth in section 576, subsection 3.

15 **3. Implementation schedule.** The requirements of this section apply to planning
16 decisions and long-term project decisions that are initiated after the effective date of this
17 section or that are finalized on or after January 1, 2010. A state authority may apply to
18 the department for a waiver of the requirements of this section for a project or activity
19 initiated prior to the effective date of this section that is substantially complete but will
20 not be finalized prior to January 1, 2010, and the department may grant the waiver upon a
21 determination that requirements of this section will cause undue delay and expense, or
22 that meeting the requirements of this section is not likely to result in substantial long-term
23 energy savings, greenhouse gas emission reductions or mitigation of potential climate
24 change effects.

25 **§580-J. Review of climate effects in state licensing decisions**

26 Notwithstanding any other provision of law, unless the department waives the
27 requirements of this section pursuant to section 580-K, after the final adoption of rules by
28 the department under section 580-K the department may not issue a license, permit or
29 other approval for the following projects or activities unless the department undertakes or
30 reviews and approves the analysis of the project or activity as required by section 580-I,
31 subsection 1 and certifies that its decision to approve the license or permit meets the
32 requirements of section 580-I, subsection 2:

33 **1. Approval under section 483-A.** Projects or activities requiring approval under
34 section 483-A;

35 **2. License under section 413.** Projects or activities requiring a license under section
36 413, if the project or activity involves new facilities or significant modifications to
37 existing facilities, as defined by the department by rule;

38 **3. License under section 590.** Projects or activities requiring a license under section
39 590, if the project or activity involves new facilities or significant modifications to
40 existing facilities, as defined by the department by rule; and

1 **4. Certification by department.** Projects or activities requiring certification by the
2 department under the United States Clean Water Act, 33 United States Code, Section
3 1341.

4 **§580-K. Waivers and qualified measures**

5 **1. Waiver.** The department may, pursuant to rules adopted under this section, waive
6 requirements of this chapter for projects or activities, including categories of projects or
7 activities, that are not likely to suffer undue effects from climate change and:

8 A. Will achieve lifetime net emissions of greenhouse gases that are at least 25%
9 lower as compared with other reasonable alternatives to the project or activity;

10 B. Will produce no or minimal greenhouse gas emissions; or

11 C. For projects or activities involving replacement or maintenance of existing
12 infrastructure, will produce no or minimal additional greenhouse gas emissions and
13 for which the department finds that there are no reasonable opportunities to
14 significantly reduce emissions.

15 **2. Qualified measures.** The department shall by rule establish and periodically
16 update a list of qualified measures that demonstrably reduce the greenhouse gas
17 emissions resulting from projects and activities expected to be subject to the requirements
18 of this chapter. The department may assign general emission reduction values for each
19 qualified measure. The department shall by rule provide that a project or activity that
20 incorporates qualified measures sufficient to reduce the lifetime net greenhouse gas
21 emissions of the project or activity by at least 25% as compared with reasonable
22 alternatives qualifies for a waiver under subsection 1, paragraph A. The department shall
23 by rule define "reasonable alternatives" in a manner that ensures such alternatives comply
24 with standard business practices and all applicable minimum federal, state and local
25 requirements. In developing the list of qualified measures, the department may consider,
26 but is not limited to considering, the following measures:

27 A. Use of energy-efficient designs, such as designs that comply with or are
28 equivalent to the United States Environmental Protection Agency's Energy Star
29 standards or nationally recognized energy and environmental design rating systems;

30 B. Incorporation of active and passive renewable energy systems;

31 C. Use of construction materials and practices that result in lower greenhouse gas
32 emissions;

33 D. Choice of siting locations or other measures that will reduce transportation-related
34 greenhouse gas emissions;

35 E. Use of measures related to site clearing or land management, including permanent
36 protection of open space, agricultural or forest lands, transferable development rights
37 and strategies to promote biological sequestration of carbon; and

38 F. Other measures that would reduce lifetime net greenhouse gas emissions from the
39 project or activity.

- 1 B. Protect public health by reduction of noise, air pollution, water pollution and other
2 environmental intrusions;
- 3 C. Protect and preserve significant natural, scenic and historic features where
4 appropriate, beneficial and consistent with the comprehensive land use plan;
- 5 D. Advise and assist the Department of Transportation and other concerned agencies
6 in transportation planning and operation;
- 7 D-1. Provide for safe and appropriate loading, parking and circulation of land, air
8 and water traffic;
- 9 E. Encourage minimal adverse impact of one use upon the use of surrounding areas
10 by setting standards of performance describing desirable and acceptable levels of
11 operation in connection with any use and its relation to surrounding areas, including
12 provisions for the eventual amelioration of existing adverse impact;
- 13 F. Reflect a consideration of the availability and capability of the natural resources
14 base, including soils, topography or sufficient healthful water supplies; ~~and~~
- 15 G. Regulate, as necessary, motor vehicles as defined in Title 29-A, section 101,
16 subsection 42, on icebound inland lakes that are completely encompassed by
17 unorganized territories during the hours from sunset to sunrise of the following day;
18 and
- 19 H. Protect state resources from the harmful effects of climate change by providing
20 for attainment of the State's greenhouse gas emission reduction goals as set forth in
21 Title 38, section 576.

22 **Sec. B-3. 12 MRSA §685-A, sub-§8-A**, as enacted by PL 1999, c. 333, §10, is
23 amended to read:

24 **8-A. Criteria for adoption or amendment of land use district boundaries.** A
25 land use district boundary may not be adopted or amended unless there is substantial
26 evidence that:

- 27 A. The proposed land use district is consistent with the standards for district
28 boundaries in effect at the time, the comprehensive land use plan and the purpose,
29 intent and provisions of this chapter; and
- 30 B. The proposed land use district satisfies a demonstrated need in the community or
31 area and has no undue adverse impact on existing uses or resources or a new district
32 designation is more appropriate for the protection and management of existing uses
33 and resources within the affected area.

34 The adoption or amendment of a land use district boundary must be consistent with the
35 requirements of Title 38, section 580-I.

36 **Sec. B-4. 12 MRSA §685-B, sub-§4, ¶C**, as amended by PL 2007, c. 661, Pt. C,
37 §3, is further amended to read:

- 38 C. Adequate provision has been made for fitting the proposal harmoniously into the
39 existing natural environment in order to assure there will be no undue adverse effect
40 on existing uses, scenic character and natural and historic resources in the area likely

1 to be affected by the proposal. In making a determination under this paragraph
2 regarding development to facilitate withdrawal of groundwater, the commission shall
3 consider the effects of the proposed withdrawal on waters of the State, as defined by
4 Title 38, section 361-A, subsection 7; water-related natural resources; and existing
5 uses, including, but not limited to, public or private wells, within the anticipated zone
6 of contribution to the withdrawal. In making findings under this paragraph, the
7 commission shall consider both the direct effects of the proposed withdrawal and its
8 effects in combination with existing water withdrawals.

9 In making a determination under this paragraph regarding an expedited wind energy
10 development, as defined in Title 35-A, section 3451, subsection 4, the commission
11 shall consider the development's effects on scenic character and existing uses related
12 to scenic character in accordance with Title 35-A, section 3452;

13 In making a determination under this paragraph regarding development of a
14 residential subdivision, the commission shall consider the effects of increased traffic
15 on any and all private roads used to access the proposed subdivision or any lot in the
16 subdivision regardless of whether the applicant has any legal interest in the access
17 roads;

18 **Sec. B-5. 23 MRSA §612**, as enacted by PL 1975, c. 615, is amended to read:

19 **§612. Authority of Department of Transportation**

20 The Department of Transportation is authorized to construct ~~bikeways~~ bicycle and
21 pedestrian ways within the existing rights-of-way of any state or state-aid highway. The
22 department may also acquire additional rights-of-way ~~adjacent to existing highway rights-~~
23 ~~of-way for the construction of bikeways~~ bicycle and pedestrian ways. Such construction
24 and acquisition of rights-of-way ~~shall~~ must be accomplished in the same manner provided
25 in this Title for highways.

26 ~~The Department of Transportation shall consider development of bikeways when~~
27 ~~developing capital improvement programs.~~

28 **Sec. B-6. 23 MRSA §613** is enacted to read:

29 **§613. Transportation planning**

30 The Department of Transportation, the Maine Turnpike Authority and any other state
31 agency or political subdivision of the State responsible for developing transportation
32 plans, programs, projects or facilities that are funded with state or federal funds shall:

33 1. Consideration of options. In developing such plans, programs, projects or
34 facilities, give full consideration to including appropriate bicycle and pedestrian ways and
35 intermodal connections linking nonmotorized transit amenities with public transit
36 facilities; and

37 2. Required inclusion. Provide bicycle and pedestrian ways and intermodal
38 connections, as appropriate to the rural, suburban or urban context except:

1 A. In those locations where the bicyclists or pedestrians are prohibited by law from
2 using the roadway;

3 B. When doing so is contrary to public safety or would conflict with public rights-of-
4 way;

5 C. When factors indicate an absence of need, including future need for bicycle and
6 pedestrian ways and intermodal connections; or

7 D. When the documented costs are excessively disproportionate to the need or
8 probable use.

9 The design and construction of bicycle and pedestrian ways must be consistent with best
10 available practices as established by the department by rule. Rules adopted by the
11 department under this subsection are routine technical rules as defined in Title 5, chapter
12 375, subchapter 2-A.

13 **Sec. B-7. 30-A MRSA §4312, sub-§2, ¶G,** as amended by PL 2001, c. 578, §7,
14 is further amended to read:

15 G. Encourage the widest possible involvement by the citizens of each municipality in
16 all aspects of the planning and implementation process, in order to ensure that the
17 plans developed by municipalities have had the benefit of citizen input; ~~and~~

18 **Sec. B-8. 30-A MRSA §4312, sub-§2, ¶I,** as enacted by PL 2001, c. 578, §8, is
19 amended to read:

20 I. Encourage the development and implementation of multimunicipal growth
21 management programs; ~~and~~

22 **Sec. B-9. 30-A MRSA §4312, sub-§2, ¶J** is enacted to read:

23 J. Provide for the attainment of the State's greenhouse gas emission reduction goals
24 established in Title 38, section 576.

25 **Sec. B-10. 30-A MRSA §4312, sub-§3, ¶I,** as enacted by PL 1989, c. 104, Pt. A,
26 §45 and enacted by Pt. C, §10, is amended to read:

27 I. To preserve the State's historic and archeological resources; ~~and~~

28 **Sec. B-11. 30-A MRSA §4312, sub-§3, ¶J,** as enacted by PL 1989, c. 104, Pt.
29 A, §45 and enacted by Pt. C, §10, is amended to read:

30 J. To promote and protect the availability of outdoor recreation opportunities for all
31 Maine citizens, including access to surface waters; ~~and~~

32 **Sec. B-12. 30-A MRSA §4312, sub-§3, ¶K** is enacted to read:

33 K. To protect state resources from climate change by reducing emissions of
34 greenhouse gases from the transportation and development sectors.

35 **Sec. B-13. 38 MRSA §480-Q, sub-§2, ¶B,** as repealed and replaced by PL 1995,
36 c. 27, §1, is amended to read:

1 B. Crossings do not block passage for fish passages or other aquatic organisms in
2 water courses. Culverts and installation techniques utilized must achieve natural
3 stream flow;

4 **Sec. B-14. 38 MRSA §480-Q, sub-§2-A,** as amended by PL 1993, c. 315, §2, is
5 further amended to read:

6 **2-A. Existing road culverts.** In any protected natural resource area, a permit is not
7 required for the repair and maintenance of an existing road culvert or for the replacement
8 of an existing culvert, as long as the replacement culvert is:

9 B. Not more than 25% longer than the culvert being replaced; and

10 C. Not longer than 75 feet.

11 Ancillary culverting activities, including excavation and filling, are included in this
12 exemption. A person repairing, replacing or maintaining an existing culvert under this
13 subsection shall ensure that erosion control measures are taken to prevent sedimentation
14 of the water and that the crossing does not block passage for fish passage or other aquatic
15 organisms in the water course. Replacement culverts and techniques used in installing
16 the culverts must achieve natural stream flow.

17 **Sec. B-15. Road construction practices.** The Maine Land Use Regulation
18 Commission and the Department of Conservation, Maine Forest Service shall review and
19 update their rules, standards, practices and guidelines governing road construction and
20 location to reflect current best practices to facilitate fish, aquatic organism and wildlife
21 passage. The Maine Land Use Regulation Commission and the Maine Forest Service
22 shall complete the required updates by January 1, 2010, except that, in any case involving
23 changes to major substantive rules as defined in the Maine Revised Statutes, Title 5,
24 chapter 375, subchapter 2-A, the Maine Land Use Regulation Commission or the Maine
25 Forest Service, as appropriate, shall submit provisionally adopted rules with the required
26 updates to the Legislature by January 1, 2010.

27 **Sec. B-16. Fish passage rules.** The Department of Environmental Protection
28 shall amend its rules, Chapter 305, Permit By Rule to require municipalities to achieve
29 natural stream flow when they are repairing or maintaining roads or stream crossings.
30 The amendments must establish standards that ensure:

31 1. Adequate flow during high water conditions;

32 2. Upstream and downstream movement for aquatic organisms and downstream and
33 lateral movement of materials;

34 3. Vertical gradient that matches up and down stream; and

35 4. Horizontal alignment that matches up and down stream.

36 The department shall complete the required amendments by January 1, 2010.

37 **Sec. B-17. Local and regional planning.** The Executive Department, State
38 Planning Office shall review and update its rules, standards and guidelines governing

1 local and regional planning activities to incorporate best practices to reduce the climate
2 change effects on and resulting from those activities. The State Planning Office shall
3 complete the required updates by January 1, 2011, except that, in any case involving
4 changes to major substantive rules as defined in the Maine Revised Statutes, Title 5,
5 chapter 375, subchapter 2-A, the State Planning Office shall submit provisionally adopted
6 rules with the required updates to the Legislature by January 1, 2011.

7 SUMMARY

8 Part A of this bill creates the Climate and Energy Planning Act of 2009, which:

9 1. Requires analysis of the climate effects on and resulting from state planning
10 decisions;

11 2. Requires the analysis to be made available for public review and comment;

12 3. Requires state planning decisions to be consistent with the State's greenhouse gas
13 emission reduction goals as established in the Maine Revised Statutes, Title 38, section
14 576;

15 4. Requires that after adoption of relevant major substantive rules by the Department
16 of Environmental Protection the department undertake the same analysis and ensure the
17 same consistency with the State's greenhouse gas emission goals when evaluating
18 applications for and issuing licenses, permits or other approvals for developments or
19 subdivisions subject to Title 38, section 483-A, waste discharges subject to Title 38,
20 section 413, air emissions subject to Title 38, section 590 and discharges subject to state
21 certification under the federal Clean Water Act, 33 United States Code, Section 1341.
22 The department is directed to propose to the Legislature a fee schedule to cover its costs
23 in administering this requirement; and

24 5. Allows the department to establish waivers from the otherwise applicable
25 requirements of the Climate and Energy Planning Act of 2009 and requires the
26 department to establish a list of qualified greenhouse gas emission reduction measures
27 that demonstrably reduce the greenhouse gas emissions resulting from projects and
28 activities expected to be subject to the requirements of the Act.

29 Part B of this bill:

30 1. Adds attainment of the state greenhouse gas emission reduction goals set out in
31 the Maine Revised Statutes, Title 38, section 576 to the purposes and goals of the growth
32 management program;

33 2. Adds attainment of the state greenhouse gas emission reduction goals set out in
34 Title 38, section 576 to the purposes of the laws governing the Maine Land Use
35 Regulation Commission and requires that development and amendment of land use
36 districts and standards be consistent with the Climate and Energy Planning Act of 2009.
37 It also requires the commission to review the effects of increased traffic on private roads
38 when reviewing permit applications for developments of residential subdivisions. It also

1 amends the definition of "subdivision" in management districts and protection districts in
2 the unorganized townships;

3 3. Amends the Natural Resources Protection Act permit exception for the
4 maintenance and repair of stream crossings to ensure the activities eligible for the
5 exception achieve natural stream flows and provide for the passage of aquatic organisms.
6 It also limits the Natural Resources Protection Act permit exception for the maintenance
7 and repair of existing road culverts in protected natural resource areas to ensure that
8 natural stream flows are achieved and the passage of aquatic organisms is not blocked;

9 4. Authorizes the Department of Transportation to acquire rights-of-way for
10 construction of bicycle and pedestrian ways that are not adjacent to existing highway
11 rights-of-way. In addition, it requires state, regional and local decisions regarding
12 transportation planning, projects and facilities to include full consideration of bicycle and
13 pedestrian ways and intermodal connections to public transit systems and requires that the
14 final plans, projects and facilities include bicycle and pedestrian ways and intermodal
15 connections as appropriate, unless there is no need for such ways or connections or they
16 would conflict with public safety or involve excessive costs;

17 5. Requires the Maine Land Use Regulation Commission and the Department of
18 Conservation, Maine Forest Service to review and update their rules, standards, practices
19 and guidelines for road construction to reflect current best practices to facilitate passage
20 of aquatic and terrestrial organisms;

21 6. Requires the Department of Environmental Protection to amend its rules, Chapter
22 305, Permit by Rule, to require municipalities to achieve natural stream flow and
23 facilitate passage of aquatic organisms when repairing or maintaining roads and stream
24 crossings; and

25 7. Requires the Executive Department, State Planning Office to review and update its
26 rules, standards and guidelines governing local and regional planning activities to
27 incorporate best practices to reduce the climate change effects on and resulting from
28 those activities.