

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 540

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H.P. 384

House of Representatives, February 9, 2017

### An Act To Help Municipalities Prepare for Sea Level Rise

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Reference to the Committee on State and Local Government suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative BLUME of York.  
Cosponsored by Senator MIRAMANT of Knox and  
Representatives: BAILEY of Saco, COOPER of Yarmouth, COREY of Windham, DEVIN of  
Newcastle, FOLEY of Wells, GILLWAY of Searsport, HYMANSON of York, RYKERSON  
of Kittery.

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

2 **Sec. 1. 30-A MRSA §4312, sub-§3, ¶J**, as amended by PL 2015, c. 349, §1, is  
3 further amended to read:

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

6 **Sec. 2. 30-A MRSA §4312, sub-§3, ¶K**, as enacted by PL 2015, c. 349, §2, is  
7 amended to read:

8 K. To encourage municipalities to develop policies that assess community needs and  
9 environmental effects of municipal regulations, lessen the effect of excessive parking  
10 requirements for buildings in downtowns and on main streets and provide for  
11 alternative approaches for compliance relating to the reuse of upper floors of  
12 buildings in downtowns and on main streets; and

13 **Sec. 3. 30-A MRSA §4312, sub-§3, ¶L** is enacted to read:

14 L. To plan for the effects of the rise in sea level on buildings, transportation  
15 infrastructure, sewage treatment facilities and other relevant state, regional, municipal  
16 or privately held infrastructure, property or resources.

17 **Sec. 4. 30-A MRSA §4326, first ¶**, as amended by PL 2001, c. 578, §15, is  
18 further amended to read:

19 A growth management program must include at least a comprehensive plan, as  
20 described in subsections 1 to ~~4~~ 4-A, and an implementation program as described in  
21 subsection 5.

22 **Sec. 5. 30-A MRSA §4326, sub-§4-A** is enacted to read:

23 **4-A. Addressing sea level rise.** A coastal municipality or multimunicipal region  
24 that includes a coastal municipality may include in its comprehensive plan projections  
25 regarding changes in sea level and potential effects of the rise in sea level on buildings,  
26 transportation infrastructure, sewage treatment facilities and other relevant municipal,  
27 multimunicipal or privately held infrastructure or property and may develop a  
28 coordinated plan for addressing the effects of the rise in sea level. For the purposes of this  
29 subsection, "coastal municipality" means a municipality or township in the coastal zone  
30 as identified by the Department of Agriculture, Conservation and Forestry, Maine Coastal  
31 Program.

32 **Sec. 6. 38 MRSA §1801, sub-§4-A** is enacted to read:

33 **4-A. Sea level rise.** Encourage the assessment of and planning for the effects of the  
34 rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and  
35 other relevant state, regional, municipal or privately held infrastructure, property or  
36 resources;

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**SUMMARY**

This bill amends the State's growth planning and land use laws to reflect that addressing the effects of sea level rise is a state planning and regulatory goal. The bill amends the laws regarding the State's coastal management policies to direct state, local and certain federal agencies responsible for regulating, planning, developing or managing coastal resources to conduct their activities affecting the coastal area consistent with the policy of encouraging the assessment of and planning for the effects of the rise in sea level. The bill provides that a coastal municipality or multimunicipal region that includes a coastal municipality, if the municipality or region adopts a growth management program under the State's growth planning and land use laws, may include in its comprehensive plan projections regarding sea level changes and the potential effects of the rise in sea level and may develop a coordinated plan for addressing the effects of the rise in sea level. The bill also provides that "coastal municipality" means a municipality or township in the coastal zone as identified by the Department of Agriculture, Conservation and Forestry, Maine Coastal Program.