

MAINE STATE LEGISLATURE

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SMC
R. O'S

L.D. 1095

Date: 3-2-18

(Filing No. H-625)

MAJORITY
ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 769, L.D. 1095, Bill, "An Act To Establish the Maine Coastal Risks and Hazards Commission"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

24-G.

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

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

§1805. Maine Coastal Risks and Hazards Commission

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

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

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

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

COMMITTEE AMENDMENT

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- 1 C. The Commissioner of Environmental Protection or the commissioner's designee;
- 2 D. The Commissioner of Transportation or the commissioner's designee;
- 3 E. The Director of the Bureau of Resource Information and Land Use Planning
4 within the Department of Agriculture, Conservation and Forestry or the director's
5 designee;
- 6 F. The director of the Maine coastal zone management program within the
7 Department of Marine Resources or the director's designee;
- 8 G. A representative of a greater Portland council of governments, appointed by the
9 Speaker of the House of Representatives upon the recommendation of the council;
- 10 H. A representative of a Hancock County planning commission, appointed by the
11 President of the Senate upon the recommendation of the planning commission;
- 12 I. A representative of a Lincoln County regional planning commission, appointed by
13 the Speaker of the House of Representatives upon the recommendation of the
14 planning commission;
- 15 J. A representative of a southern Maine planning and development commission,
16 appointed by the Speaker of the House of Representatives upon the recommendation
17 of the planning and development commission;
- 18 K. A representative of a Washington County council of governments, appointed by
19 the President of the Senate upon the recommendation of the council;
- 20 L. The following 5 individuals, appointed by the President of the Senate:
 - 21 (1) A representative of an organization that represents the interests of
22 municipalities in the State;
 - 23 (2) A representative of an organization that represents the interests of the tourism
24 or recreational industry in the State;
 - 25 (3) A representative of a statewide organization that promotes professional
26 environmental management practices to protect and improve the waters and
27 related environments in the State;
 - 28 (4) A representative of an organization that represents the interests of a marine-
29 based industry in the State; and
 - 30 (5) A member of the public with demonstrated expertise in the matters to be
31 addressed by the commission; and
- 32 M. The following 4 individuals, appointed by the Speaker of the House of
33 Representatives:
 - 34 (1) A representative of an organization that represents the interests of the real
35 estate industry in the State;
 - 36 (2) A representative of an organization that represents the interests of a working
37 waterfront or fisheries-based industry in the State;

COMMITTEE AMENDMENT

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

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

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

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

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

6. Terms; vacancies. Members of the commission serve for a term of 2 years and may be reappointed. A vacancy must be filled in the same manner as the original appointment. Members may continue to serve until their replacements are designated. A member may designate an alternate to serve on a temporary basis.

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

8. Powers and duties. The commission shall:

A. Meet at least 4 times annually. The first meeting of the commission must be held no later than 45 days after the effective date of this section;

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

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

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

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

9. Report and recommendations. On or before November 1, 2021, and every 4 years thereafter, the commission shall submit a report to the joint standing committee of

COMMITTEE AMENDMENT

R. O. S.

1 the Legislature having jurisdiction over environmental and natural resources matters
2 containing its recommendations, including draft legislation, regarding actions to be taken
3 by the State to address and prepare for coastal and coastal watershed hazards identified by
4 the commission.

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

12 **11. Outside funding.** The commission may seek outside funding to fund the cost of
13 public hearings, conferences, workshops, other meetings and other activities of the
14 commission. All contributions are subject to approval by the Legislative Council in
15 accordance with its policies. All funds accepted must be forwarded to the Executive
16 Director of the Legislative Council along with an accounting record that includes the
17 amount of funds, the date the funds were received, from whom the funds were received
18 and the purpose of and any limitation on the use of those funds. The executive director
19 shall administer any funds received by the commission and accepted as approved by the
20 Legislative Council.

21 **Sec. 3. Appropriations and allocations.** The following appropriations and
22 allocations are made.

23 **LEGISLATURE**

24 **Legislature 0081**

25 Initiative: Provides funding for the costs of the Maine Coastal Risks and Hazards
26 Commission.

27	GENERAL FUND	2017-18	2018-19
28	Personal Services	\$0	\$660
29	All Other	\$0	\$1,090
30			
31	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$1,750</u>
32			

33 **SUMMARY**

34 This amendment, which is the majority report of the committee, replaces the bill.
35 Like the bill, the amendment establishes the Maine Coastal Risks and Hazards
36 Commission but makes the following changes:

- 37 1. It reduces the membership of the commission from 36 members to 21 members;
- 38 2. It clarifies the duties of the commission; and

- 1 3. It amends provisions regarding the administration of the commission, including
- 2 providing authorization for Legislative Council staffing when the Legislature is not in
- 3 session and clarifying member compensation and outside funding provisions.
- 4 The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See Attached)



128th MAINE LEGISLATURE

LD 1095

LR 420(02)

An Act To Establish the Maine Coastal Risks and Hazards Commission

Fiscal Note for Bill as Amended by Committee Amendment *A.C.H. (625)*

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$0	\$1,750	\$1,750	\$1,750
Appropriations/Allocations				
General Fund	\$0	\$1,750	\$1,750	\$1,750

Legislative Cost/Study

The additional costs of providing staffing assistance to the commission during the interim can be absorbed utilizing existing budgeted resources.

Fiscal Detail and Notes

Includes an ongoing General Fund appropriation of \$1,750 in fiscal year 2018-19 to the Legislature for the costs of the Maine Coastal Risks and Hazards Commission. Any additional costs for the departments and agencies with members appointed to the commission are assumed to be minor and can be absorbed within existing budgeted resources.