

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1095

H.P. 769

House of Representatives, March 21, 2017

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 Representatives: CASÁS of Rockport, DEVIN of Newcastle, FAY of
Raymond, FOLEY of Wells, GILLWAY of Searsport, HYMANSON of York, LAWRENCE
of South Berwick, RYKERSON of Kittery, Senator: VITELLI of Sagadahoc.

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 Environment: Maine Coastal Risks Legislative Per 38 MRSA §1805
5 Natural Resources and Hazards Diem and Expenses
6 Commission

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

8 **§1805. Maine Coastal Risks and Hazards Commission**

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

17 **2. Membership.** The commission consists of the following 36 members:

18 A. Two members of the Senate, appointed by the President of the Senate;

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

21 C. The Commissioner of Economic and Community Development or the
22 commissioner's designee;

23 D. The Commissioner of Environmental Protection or the commissioner's designee;

24 E. The Commissioner of Inland Fisheries and Wildlife or the commissioner's
25 designee;

26 F. The Commissioner of Transportation or the commissioner's designee;

27 G. The Director of the Bureau of General Services within the Department of
28 Administrative and Financial Services or the director's designee;

29 H. The Director of the Bureau of Parks and Lands within the Department of
30 Agriculture, Conservation and Forestry or the director's designee;

31 I. The Director of the Maine Coastal Program within the Department of Agriculture,
32 Conservation and Forestry, Bureau of Resource Information and Land Use Planning,
33 Division of Geology, Natural Areas and Coastal Resources or the director's designee;

34 J. The Executive Director of the Maine Land Use Planning Commission within the
35 Department of Agriculture, Conservation and Forestry or the executive director's
36 designee;

- 1 K. The Director of the Maine Emergency Management Agency within the
2 Department of Defense, Veterans and Emergency Management or the director's
3 designee;
- 4 L. The Director of the University of Maine System's sea grant college program or the
5 director's designee;
- 6 M. A representative of a greater Portland council of governments, appointed by the
7 Speaker of the House of Representatives upon the recommendation of the council;
- 8 N. A representative of the Hancock County planning commission, appointed by the
9 President of the Senate upon the recommendation of the commission;
- 10 O. A representative of the Lincoln County regional planning commission, appointed
11 by the Speaker of the House of Representatives upon the recommendation of the
12 commission;
- 13 P. A representative of a midcoast council of governments, appointed by the President
14 of the Senate upon the recommendation of the council;
- 15 Q. A representative of a midcoast regional planning commission, appointed by the
16 Speaker of the House of Representatives upon the recommendation of the
17 commission;
- 18 R. A representative of a southern Maine planning and development commission,
19 appointed by the President of the Senate upon the recommendation of the
20 commission;
- 21 S. A representative of a Washington County council of governments, appointed by
22 the Speaker of the House of Representatives upon the recommendation of the
23 council;
- 24 T. The following 8 individuals, appointed by the President of the Senate:
- 25 (1) A representative of an organization that represents the interests of the lobster
26 fishery in the State;
- 27 (2) A representative of an organization that represents the interests of the ocean
28 fishery in the State;
- 29 (3) A representative of an organization that represents the interests of
30 municipalities in the State;
- 31 (4) A representative of an organization that represents the interests of the tourism
32 industry in the State; and
- 33 (5) Four representatives of municipalities located within each of the following
34 counties: Sagadahoc, Waldo, Washington and York; and
- 35 U. The following 7 individuals, appointed by the Speaker of the House of
36 Representatives:
- 37 (1) A representative of an organization that represents the interests of the
38 shellfish fishery in the State;
- 39 (2) A representative of an organization that represents the interests of the
40 aquaculture industry in the State;

1 (3) A representative of an organization that represents the interests of the real
2 estate industry in the State; and

3 (4) Four representatives of municipalities located within each of the following
4 counties: Cumberland, Knox, Hancock and Lincoln.

5 **3. Chairs.** The first member appointed to the commission under subsection 2,
6 paragraph A is the Senate chair. The first member appointed to the commission under
7 subsection 2, paragraph B is the House chair.

8 **4. Staff assistance.** Within the limits of its budget, the commission is authorized to
9 contract with and employ staff members to assist the commission in carrying out its
10 duties.

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

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

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

20 **8. Powers and duties.** The commission:

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

23 B. Shall review, compile and analyze scientific and other reports and publications
24 relating to coastal and coastal watershed hazards, including, but not limited to,
25 increased storm surges, extreme precipitation and other extreme weather events,
26 projected sea level rise and increased river flooding and storm water runoff. The
27 commission shall make available on a publicly accessible website all publications and
28 information reviewed or compiled for review by the commission;

29 C. Shall review United States Department of Commerce, National Oceanic and
30 Atmospheric Administration and other scientific agency projections of coastal storm
31 inundation and flood risk to determine the appropriate information, data and property
32 risks to be considered by the commission in developing a unified plan and
33 recommendations for action under paragraphs D and E;

34 D. Shall develop a unified plan to address and prepare for current and projected
35 future risks posed by coastal and coastal watershed hazards identified by the
36 commission; and

37 E. Shall make findings and develop recommended legislation, rules and other actions
38 in accordance with the unified plan developed under paragraph D to address and
39 prepare for coastal and coastal watershed hazards identified by the commission.

