

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 563

H.P. 407

House of Representatives, February 5, 2019

An Act To Help Municipalities Prepare for Sea Level Rise

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 BREEN of Cumberland and
Representatives: BAILEY of Saco, BRYANT of Windham, DENK of Kennebunk, HOBBS of
Wells, HYMANSON of York, JORGENSEN of Portland, McCREIGHT of Harpswell,
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 a coastal program administered by the Department of Marine Resources.

31 **Sec. 6. 38 MRSA §1801, sub-§§8 and 9**, as enacted by PL 1985, c. 794, Pt. A,
32 §11, are amended to read:

33 **8. Water quality.** Restore and maintain the quality of our fresh, marine and
34 estuarine waters to allow for the broadest possible diversity of public and private uses;
35 ~~and~~

1 **9. Air quality.** Restore and maintain coastal air quality to protect the health of
2 citizens and visitors and to protect enjoyment of the natural beauty and maritime
3 characteristics of the Maine coast; and

4 **Sec. 7. 38 MRSA §1801, sub-§10** is enacted to read:

5 **10. Sea level rise.** Encourage the assessment of and planning for the effects of the
6 rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and
7 other relevant state, regional, municipal or privately held infrastructure, property or
8 resources.

9 **SUMMARY**

10 This bill amends the State's growth planning and land use laws to reflect that
11 addressing the effects of sea level rise is a state planning and regulatory goal. The bill
12 amends the laws regarding the State's coastal management policies to direct state, local
13 and certain federal agencies responsible for regulating, planning, developing or managing
14 coastal resources to conduct their activities affecting the coastal area consistent with the
15 policy of encouraging the assessment of and planning for the effects of the rise in sea
16 level. The bill provides that a coastal municipality or multimunicipal region that includes
17 a coastal municipality, if the municipality or region adopts a growth management
18 program under the State's growth planning and land use laws, may include in its
19 comprehensive plan projections regarding sea level changes and the potential effects of
20 the rise in sea level and may develop a coordinated plan for addressing the effects of the
21 rise in sea level. The bill also provides that "coastal municipality" means a municipality
22 or township in the coastal zone as identified by a coastal program administered by the
23 Department of Marine Resources.