

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

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No. 955

H.P. 710

House of Representatives, February 21, 2019

An Act To Prohibit Offshore Oil and Natural Gas Drilling and Exploration

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

ROBERT B. HUNT
Clerk

Presented by Representative DEVIN of Newcastle.

Cosponsored by Senator CHENETTE of York, Senator FOLEY of York and Representatives: ACKLEY of Monmouth, ALLEY of Beals, AUSTIN of Skowhegan, BABBIDGE of Kennebunk, BABINE of Scarborough, BAILEY of Saco, BEEBE-CENTER of Rockland, BERRY of Bowdoinham, BLUME of York, BRENNAN of Portland, BROOKS of Lewiston, BRYANT of Windham, CARDONE of Bangor, CARNEY of Cape Elizabeth, COLLINGS of Portland, COOPER of Yarmouth, DAUGHTRY of Brunswick, DENK of Kennebunk, DODGE of Belfast, DOORE of Augusta, DUNPHY of Old Town, EVANGELOS of Friendship, FAULKINGHAM of Winter Harbor, FAY of Raymond, FECTEAU of Biddeford, FOLEY of Biddeford, Speaker GIDEON of Freeport, GROHOSKI of Ellsworth, HANDY of Lewiston, HARNETT of Gardiner, HEPLER of Woolwich, HOBBS of Wells, HUBBELL of Bar Harbor, HYMANSON of York, JORGENSEN of Portland, KORNFELD of Bangor, LANDRY of Farmington, MADIGAN of Waterville, MAREAN of Hollis, McCREA of Fort Fairfield, McCREIGHT of Harpswell, McDONALD of Stonington, MEYER of Eliot, MOONEN of Portland, NEWELL of the Passamaquoddy Tribe, O'NEIL of Saco, PEBWORTH of Blue Hill, PERRY of Calais, PIERCE of Falmouth, PLUECKER of Warren, RISEMAN of Harrison, ROBERTS-LOVELL of South Berwick, RYKERSON of Kittery, SHARPE of Durham, SHEATS of Auburn, STANLEY of Medway, STOVER of Boothbay, SYLVESTER of Portland, TEPLER of Topsham, TUCKER of Brunswick, TUELL of East Machias, VEROW of Brewer, ZEIGLER of Montville, Senators: BELLOWS of Kennebec, CARSON of Cumberland, CHIPMAN of Cumberland, DOW of Lincoln, GRATWICK of Penobscot, LAWRENCE of York, LIBBY of Androscoggin, MILLETT of Cumberland, MIRAMANT of Knox, SANBORN, H. of Cumberland, SANBORN, L. of Cumberland.

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

2 **Sec. 1. 12 MRSA §1862, sub-§14** is enacted to read:

3 **14. Prohibition on oil and natural gas exploration, development and production.**
4 Notwithstanding any other provision of law to the contrary, the director may not permit,
5 approve or otherwise authorize any oil or natural gas exploration, development or
6 production in, on or under the submerged and intertidal land owned by the State.

7 As used in this subsection, "development" has the same meaning as in Title 38, section
8 570-AA, subsection 1; "exploration" has the same meaning as in Title 38, section
9 570-AA, subsection 2; and "production" has the same meaning as in Title 38, section
10 570-AA, subsection 3.

11 **Sec. 2. 38 MRSA c. 3, sub-c. 2-C** is enacted to read:

12 **SUBCHAPTER 2-C**

13 **PROHIBITION ON OIL AND NATURAL GAS EXPLORATION,**
14 **DEVELOPMENT AND PRODUCTION**

15 **§570-AA. Definitions**

16 As used in this subchapter, unless the context otherwise indicates, the following
17 terms have the following meanings.

18 **1. Development.** "Development" means the activities conducted subsequent to the
19 discovery of oil or natural gas resources to facilitate the production of those resources,
20 including, but not limited to, geophysical activities, drilling, platform construction,
21 pipeline construction and the operation of all onshore support facilities to support those
22 activities.

23 **2. Exploration.** "Exploration" means the activities conducted to locate oil or natural
24 gas resources, including, but not limited to, the drilling of wells for the purpose of
25 locating and determining the size and scope of those resources.

26 **3. Production.** "Production" means the activities conducted subsequent to the
27 development of oil or natural gas resources including, but not limited to, the removal or
28 extraction of those resources, related field operations, the transfer of the resources to
29 onshore facilities, workover drilling and the operation, monitoring and maintenance of
30 the removal or extraction process.

31 **§570-BB. Prohibition**

32 Notwithstanding any other provision of law to the contrary, a person may not perform
33 or cause to be performed, and the department may not permit, approve or otherwise
34 authorize, any oil or natural gas exploration, development or production in, on or under
35 the waters of the State or that may adversely affect the waters of the State.

1

SUMMARY

2 This bill prohibits a person from performing or causing to be performed any oil or
3 natural gas exploration, development or production in, on or under the waters of the State
4 or that may adversely affect the waters of the State.

5 The bill also prohibits the Department of Environmental Protection and the Director
6 of the Bureau of Parks and Lands within the Department of Agriculture, Conservation
7 and Forestry from permitting, approving or otherwise authorizing any oil or natural gas
8 exploration, development or production in, on or under the submerged and intertidal land
9 owned by the State.

10 It is the intent of this legislation to generally prohibit activities relating to offshore oil
11 and natural gas exploration, development and production within the boundaries and
12 jurisdiction of the State, which place the State's coastal communities at economic and
13 ecological risk from oil spills, and from the pollution caused by routine drilling
14 operations and onshore industrialization, and threaten the quality of life and livelihoods
15 of Maine citizens and economically significant industries, including tourism, recreation
16 and commercial and recreational fishing, and small businesses that rely on a clean and
17 healthy ocean and clean and healthy beaches.