

MAINE STATE LEGISLATURE

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Date: 3/22/22 Majority

L.D. 1970
(Filing No. H-025)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1465, L.D. 1970, "An Act To Implement Agency Recommendations Relating to Sea Level Rise and Climate Resilience Provided Pursuant to Resolve 2021, Chapter 67"

Amend the bill in Part A by inserting after section 1 the following:

'Sec. A-2. 12 MRSA §685-B, sub-§4, ¶C, as amended by PL 2011, c. 682, §19, is repealed and the following enacted in its place:

C. Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure there will be no undue adverse effect on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal.

(1) In making a determination under this paragraph regarding whether an applicant has made adequate provision for fitting the proposal harmoniously into the existing natural environment, the commission may consider the effect of at least 1.5 feet of sea level rise by 2050 and 4 feet of relative sea level rise by 2100 as specified by the commission by rule adopted pursuant to section 685-A, subsection 3.

(2) In making a determination under this paragraph regarding development to facilitate withdrawal of groundwater, the commission shall consider the effects of the proposed withdrawal on waters of the State, as defined by Title 38, section 361-A, subsection 7; water-related natural resources; and existing uses, including, but not limited to, public or private wells, within the anticipated zone of contribution to the withdrawal. In making findings under this subparagraph, the commission shall consider both the direct effects of the proposed withdrawal and its effects in combination with existing water withdrawals.

(3) In making a determination under this paragraph regarding a community-based offshore wind energy project, the commission shall consider the project's effects on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3452.

COMMITTEE AMENDMENT

ROS

1 (4) In making a determination under this paragraph regarding a wind energy
2 development, as defined in Title 35-A, section 3451, subsection 11, that is not a
3 grid-scale wind energy development, that has a generating capacity of 100
4 kilowatts or greater and that is proposed for location within the expedited
5 permitting area, the commission shall consider the development's or project's
6 effects on scenic character and existing uses relating to scenic character in the
7 manner provided for in Title 35-A, section 3452.'

8 Amend the bill in Part A in section 3 in subsection 8-A in paragraph B in the 3rd line
9 (page 1, line 37 in L.D.) by inserting after the following: "risk" the following: ', build
10 resilience to natural hazards'

11 Amend the bill in Part A by striking out all of section 8 and inserting the following:

12 '**Sec. A-8. 30-A MRSA §4326, sub-§4-B** is enacted to read:

13 **4-B. Addressing climate risks and building resilience to natural hazards.** A
14 municipality or multimunicipal region may include in its comprehensive plan projections
15 regarding risks posed by climate change as identified in its climate vulnerability assessment
16 prepared pursuant to subsection 1, paragraph L and the potential effects of those risks on
17 buildings, transportation infrastructure, sewage treatment facilities and other relevant
18 municipal, multimunicipal or privately held infrastructure, property or protected natural
19 resources and may develop a coordinated plan for addressing those risks and for building
20 resilience to natural hazards.

21 As used in this subsection, "protected natural resource" has the same meaning as in Title
22 38, section 480-B, subsection 8.'

23 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
24 number to read consecutively.

25 **SUMMARY**

26 This amendment, which is the majority report of the committee, clarifies that a "local
27 climate action plan," which may be adopted by a municipality or multimunicipal region,
28 includes an evaluation of options for building resilience to natural hazards. It also clarifies
29 that in addressing climate risks identified in a municipality's or multimunicipal region's
30 climate vulnerability assessment, as provided for in the bill, the municipality or
31 multimunicipal region may include the potential effects of those risks on protected natural
32 resources, as that term is defined under the Natural Resources Protection Act, and may
33 develop a coordinated plan for addressing those risks and for building resilience to natural
34 hazards. It also amends the laws governing the Maine Land Use Planning Commission's
35 permit approval criteria for proposed developments to provide that, in making a
36 determination regarding whether an applicant has made adequate provision for fitting the
37 proposal harmoniously into the existing natural environment, the commission may consider
38 the effect of at least 1.5 feet of sea level rise by 2050 and 4 feet of relative sea level rise by
39 2100 as specified by the commission by rule.

40 **FISCAL NOTE REQUIRED**

41 (See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 1970

LR 2598(02)

**An Act To Implement Agency Recommendations Relating to Sea Level Rise and Climate Resilience
Provided Pursuant to Resolve 2021, Chapter 67**

Fiscal Note for Bill as Amended by Committee Amendment "A" (M-825)
Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to various departments and agencies from the provisions in this bill are expected to be minor and can be absorbed within existing budgeted resources.