

MAINE STATE LEGISLATURE

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Date *6/20/23* *Minority*

L D 1845
(Filing No H-606)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "*A*" to H P 1177, L D 1845, "An Act to Regulate Outdoor Lighting"

Amend the bill by striking out all of section 3 and inserting the following
'Sec. 3. 38 MRSA c. 35 is enacted to read

CHAPTER 35

LIGHT POLLUTION

§3201. Outdoor lighting

This section governs outdoor lighting fixtures. Nothing in this section limits the application of Title 5, section 1769 or Title 23, section 708 governing the use of state funds to install or replace outdoor lighting fixtures.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A "Commercial facility" means any building, structure or facility used primarily for commercial or industrial activities, including, but not limited to, a store, office, warehouse, factory or storage facility. "Commercial facility" includes, but is not limited to, the roads, ways, parking lots and parking facilities associated with the building, structure or facility.

B "Covered entity" means the State, a political subdivision or the owner or lessee of a commercial facility.

C "Covered property" means property that is owned or leased by a covered entity and property that is a commercial facility and includes, but is not limited to, the exterior and grounds of any building, structure or facility, roads and ways, both public and private, and parking lots and parking facilities, both public and private.

D "Fixture" means a light source or a light source and its assembly housing and optics.

COMMITTEE AMENDMENT

ROS

- 1 E "Full cutoff fixture" means a fixture that emits no light above a horizontal plane
2 running through a point immediately below the emitting light
- 3 F. "Outdoor lighting fixture" means an outdoor lighting fixture, whether temporary,
4 portable or permanently installed, including, but not limited to, a street light,
5 searchlight, spotlight, floodlight or other device used for lighting a building, structure
6 or facility, a road or way, or a parking lot or parking facility
- 7 G "Place" means, with respect to a temporary or portable outdoor lighting fixture, to
8 place and use outside
- 9 H "Political subdivision" has the same meaning as in Title 14, section 8102,
10 subsection 3
- 11 I "Replace" means, with respect to an outdoor lighting fixture, to replace an outdoor
12 lighting fixture with a new outdoor lighting fixture
- 13 J "State" has the same meaning as in Title 14, section 8102, subsection 4
- 14 **2. Prohibitions.** Beginning January 1, 2024, except as provided in subsection 3, a
15 covered entity may not
- 16 A Place, install or replace an outdoor lighting fixture at or on covered property unless
17 the fixture placed or installed, or the replacement fixture, is a full cut-off fixture,
- 18 B Place, install or, except as provided in paragraph C, replace at or on covered
19 property an outdoor lighting fixture that uses LEDs unless
- 20 (1) The correlated color temperature of the fixture is 3000K or less, and
21 (2) The fixture uses an optic design that spreads the light over an area through the
22 use of reflectors, diffusers or wave guides so that the diodes within the fixture are
23 shielded from direct view to reduce glare, and
- 24 C Replace 25% or more of the outdoor lighting fixtures at or on covered property with
25 outdoor lighting fixtures that use LEDs unless
- 26 (1) The correlated color temperature of the replacement fixtures is 3000K or less,
27 (2) The replacement fixtures use an optic design that spreads the light over an area
28 through the use of reflectors, diffusers or wave guides so that the diodes within the
29 fixtures are shielded from direct view to reduce glare, and
- 30 (3) All outdoor lighting fixtures at or on the covered property that do not meet the
31 requirements of paragraph A or, if using LEDs, do not meet the requirements of
32 subparagraphs (1) and (2) are at the same time replaced with outdoor lighting
33 fixtures that meet those requirements
- 34 **3. Exceptions.** The prohibitions in subsection 2 do not apply to the placement,
35 installation or replacement of an outdoor lighting fixture
- 36 A. When the outdoor lighting fixture placed, installed or replaced has a light emittance
37 rating of less than 1,800 lumens,
- 38 B Within a municipality, plantation or township with fewer than 2,000 residents
39 according to the most recent federal decennial census, and



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C Within a municipality that has adopted an ordinance or other municipal regulation that includes or is at least as strict as the prohibitions in subsection 2

4. **Ratemaking; public utilities.** A public utility regulated by the Public Utilities Commission under Title 35-A that prudently incurs costs to comply with the requirements of subsection 2 is entitled to recover those costs in rates

5. **Administration and enforcement; rulemaking; violations.** The department shall administer and enforce this section and may adopt rules as necessary for that purpose. Rules adopted by the department pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A person that violates this section is subject to penalties pursuant to section 349

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Land Resources Z188**

Initiative Provides funding for the technology management costs associated with 4 Environmental Specialist III positions

GENERAL FUND	2023-24	2024-25
All Other	\$11,300	\$11,300
GENERAL FUND TOTAL	\$11,300	\$11,300

Land Resources Z188

Initiative Provides funding for 4 Environmental Specialist III positions and associated All Other costs

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	4 000	4 000
Personal Services	\$266,097	\$374,584
All Other	\$5,452	\$5,452
GENERAL FUND TOTAL	\$271,549	\$380,036

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF
DEPARTMENT TOTALS**

GENERAL FUND	2023-24	2024-25
	\$282,849	\$391,336
DEPARTMENT TOTAL - ALL FUNDS	\$282,849	\$391,336

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

SUMMARY

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This amendment, which is the minority report of the committee, replaces the bill. Like the bill, it regulates outdoor lighting fixtures, but the amendment regulates only the installation, placement or replacement of outdoor lighting fixtures at or on covered property by a covered entity. Under the amendment, "covered entity" is defined to mean the State, a political subdivision and the owner or lessee of a commercial facility. "Covered property" is defined to mean property that is owned or leased by a covered entity and property that is a commercial facility and includes, but is not limited to, the exterior and grounds of any building, structure or facility, roads and ways, both public and private, and parking lots and parking facilities, both public and private.

Under the amendment, beginning January 1, 2024, a covered entity is prohibited from placing, installing or replacing an outdoor lighting fixture at or on covered property unless the fixture is a full cutoff fixture. Also beginning January 1, 2024, a covered entity is prohibited from placing, installing or replacing at or on covered property an outdoor lighting fixture that uses LEDs except for under certain conditions.

The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)



131st MAINE LEGISLATURE

LD 1845

LR 1986(02)

An Act to Regulate Outdoor Lighting

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-606)

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - Municipalities

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Cost (Savings)				
General Fund	\$282,849	\$391,336	\$407,897	\$425,219
Appropriations/Allocations				
General Fund	\$282,849	\$391,336	\$407,897	\$425,219

Fiscal Detail and Notes

This bill regulates the installation, placement, or replacement of outdoor lighting fixtures at or on a covered property or a covered entity. Covered entities are defined as the State, a political subdivision of the State, and the owner or lessee of a commercial facility. Covered properties are defined as property owned or leased by the State or by a political subdivision that is a commercial facility that includes stores, offices, warehouses, factories, and storage facilities. Under the bill, beginning January 1, 2024, covered entities are prohibited from placing, installing, or replacing an outdoor lighting fixture at or on a covered property unless that fixture meets certain requirements. This prohibition will restrict covered entities' use of fixtures to specific fixtures that meet the requirements. As a result, covered entities will incur additional costs to place, install or replace outdoor lighting fixtures. Due to the scope and application of the bill, the costs to comply are expected to be significant for the State and municipalities.

The bill includes General Fund appropriations of \$282,849 in fiscal year 2023-24 and \$391,336 in fiscal year 2024-25 to the Department of Environmental Protection for four Environmental Specialist III positions and associated costs to implement the provisions of this bill.