

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

Year's Day, January 1st; Martin Luther King, Jr., Day, the 3rd Monday in January; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May, but if the Federal Government designates May 30th as the date for observance of Memorial Day, the 30th of May; the 4th of July; Labor Day, the first Monday of September; Columbus Day, the 2nd Monday in October; Veterans' Day, November 11th; or on Christmas Day. The Chief Justice of the Supreme Judicial Court may order that court be held on a legal holiday when ~~he~~ the Chief Justice finds that the interests of justice and judicial economy in any particular case will be served. The public offices in county buildings may be closed to business on the holidays named in this section. When any one of the holidays named in this section falls on Sunday, the Monday following ~~shall~~ must be observed as a holiday, with all the privileges applying to any of the days named in this section.

Sec. 50. 25 MRSA §50, 2nd ¶, as enacted by PL 1971, c. 423, §2, is amended to read:

The Governor is authorized and empowered to do all things necessary to protect the public and prevent damage to property. The Governor may order the State Police or National Guard to evacuate any area designated by ~~him~~ the Governor and to carry out any other orders ~~he deems~~ the Governor determines necessary, and ~~they shall~~ in such event the State Police and National Guard have full authority to carry out ~~his~~ the Governor's orders. The Governor may delegate any authority vested in ~~him~~ the Governor under this provision.

Sec. 51. 35-A MRSA §1320, sub-§7, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

7. Stay. While an appeal under subsection 1 is pending, no injunction may issue suspending or staying any order of the commission and the appeal ~~shall~~ does not excuse any person or corporation from complying with and obeying any order or decision or any requirement of any order or decision of the commission or operate in any manner to stay or postpone the enforcement of the order or decision, except in the cases and upon the terms as the commission orders. While an appeal under subsection 5 is pending final determination by the court, the Chief Justice, or in ~~his~~ the Chief Justice's absence any other justice, may enjoin or stay the effect of the ruling or order upon the terms and conditions as ~~he~~ the Chief Justice determines proper.

Sec. 52. Maine Revised Statutes revisions. The Revisor of Statutes shall review the Maine Revised Statutes to determine where references to individuals occurring throughout the statutes need to be made gender-neutral and shall implement these revisions when updating, publishing or republishing the

statutes. The Revisor of Statutes shall develop a schedule to change all such gender-specific terms to gender-neutral terms in all Titles of the Maine Revised Statutes as soon as reasonably practicable. The changes may be made through the preparation and publication of an additional annual revisor's report pursuant to the Maine Revised Statutes, Title 1, section 95 that is dedicated to the correction of gender-specific terms. The Revisor of Statutes shall include in the annual report a report on the progress in carrying out the schedule developed pursuant to this section. When correcting gender-specific references within statutory units in the additional annual revisor's report prepared pursuant to this section, the Revisor of Statutes need not correct those statutory units to incorporate other administrative changes and corrections authorized under Title 1, section 93.

See title page for effective date.

CHAPTER 476

S.P. 550 - L.D. 1679

An Act To Promote Clean Energy Jobs and To Establish the Maine Climate Council

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Climate Council, its Scientific and Technical Subcommittee and its working groups, which are established in this legislation and which are directed in this legislation to address a number of critical and pressing issues relating to the effects of climate change on the State, its communities and its environment and natural resources, must commence work on those issues as soon as is possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §12004-I, sub-§24-G is enacted to read:

24-G.

<u>Environment:</u>	<u>Maine</u>	<u>Legislative</u>	<u>38</u>
<u>Natural</u>	<u>Climate</u>	<u>Per Diem</u>	<u>MRSA</u>
<u>Resources</u>	<u>Council,</u>	<u>and</u>	<u>§577-A</u>
	<u>Scientific</u>	<u>Expenses</u>	
	<u>and</u>	<u>for</u>	
	<u>Technical</u>	<u>Legislators/</u>	
	<u>Subcom-</u>	<u>Expenses</u>	
	<u>mittee and</u>	<u>Only for</u>	
	<u>Working</u>	<u>Certain</u>	
	<u>Groups</u>	<u>Members</u>	

Sec. 2. 35-A MRSA §3210-C, sub-§3, as amended by PL 2017, c. 134, §2, is further amended to read:

3. Commission authority. The commission may direct investor-owned transmission and distribution utilities to enter into long-term contracts for:

- A. Capacity resources;
- B. Any available energy associated with capacity resources contracted under paragraph A:
 - (1) To the extent necessary to fulfill the policy of subsection 2, paragraph A; or
 - (2) If the commission determines appropriate for purposes of supplying or lowering the cost of standard-offer service or otherwise lowering the cost of electricity for the ratepayers in the State. Available energy contracted pursuant to this subparagraph may be sold into the wholesale electricity market in conjunction with solicitations for standard-offer supply bids;
- C. Any available renewable energy credits associated with capacity resources contracted under paragraph A. The price paid by the investor-owned transmission and distribution utility for the renewable energy credits must be lower than the price received for those renewable energy credits at the time they are sold by the investor-owned transmission and distribution utility; and
- D. Transmission capacity, capacity resources, energy or renewable energy credits pursuant to a regional procurement process in conjunction with other states.

The commission may permit, but may not require, investor-owned transmission and distribution utilities to enter into contracts for differences that are designed and intended to buffer ratepayers in the State from potential negative impacts from transmission development. To the greatest extent possible, the commission shall develop procedures for long-term contracts for investor-owned transmission and distribution utilities under this subsection having the same legal and financial effect as the procedures used for standard-

offer service pursuant to section 3212 for investor-owned transmission and distribution utilities.

The commission may enter into contracts for interruptible, demand response or energy efficiency capacity resources. These contracts are not subject to the rules of the State Purchasing Agent. In a competitive solicitation conducted pursuant to subsection 6, the commission shall allow transmission and distribution utilities to submit bids for interruptible or demand response capacity resources.

Capacity resources contracted under this subsection may not exceed the amount necessary to ensure the reliability of the electric grid of this State, to meet the energy efficiency program budget allocations articulated in the triennial plan as approved by the commission pursuant to section 10104, subsection 4 or any annual update plan approved by the commission pursuant to section 10104, subsection 6 or to lower customer costs as determined by the commission pursuant to rules adopted under subsection 10.

Unless the commission determines the public interest requires otherwise, a capacity resource may not be contracted under this subsection unless the commission determines that the capacity resource is recognized as a capacity resource for purposes of any regional or federal capacity requirements.

The commission shall ensure that any long-term contract authorized under this subsection is consistent with ~~the State's goals for greenhouse gas reduction~~ under Title 38, section ~~576~~ 576-A and the regional greenhouse gas initiative as described in the state climate action plan required in Title 38, section 577.

By January 1st of each year, the commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters on the procurement of transmission capacity, capacity resources, energy and renewable energy credits in the preceding 12 months under this subsection, the Community-based Renewable Energy Act and deep-water offshore wind energy pilot projects under Public Law 2009, chapter 615, Part A, section 6, as amended by Public Law 2013, chapter 369, Part H, sections 1 and 2 and chapter 378, sections 4 to 6. The report must contain information including, but not limited to, the number of requests for proposals by the commission for long-term contracts, the number of responses to requests for proposals pursuant to which a contract has been finalized, the number of executed term sheets or contracts resulting from the requests for proposals, the commission's initial estimates of ratepayer costs or savings associated with any approved term sheet, actual ratepayer costs or savings for the previous year associated with any procurement, the total ratepayer costs or savings at the time of the report and the megawatt-hours, renewable energy credits or capacity produced or procured through contracts. The report must also include a plan for the succeeding 12

months pertaining to the procurement of capacity resources, energy and renewable energy credits, including dates for requests for proposals, and types of resources to be procured.

Sec. 3. 35-A MRSA §3402, sub-§1, ¶A, as amended by PL 2009, c. 615, Pt. A, §2, is further amended to read:

A. Wind energy is an economically feasible, large-scale energy resource that does not rely on fossil fuel combustion or nuclear fission, thereby displacing electrical energy provided by these other sources and avoiding air pollution, waste disposal problems and hazards to human health from emissions, waste and by-products; consequently, wind energy development may address energy needs while making a significant contribution to achievement of the State's renewable energy and greenhouse gas reduction objectives, including those in Title 38, section ~~576~~ 576-A;

Sec. 4. 35-A MRSA §10104, sub-§4, ¶F, as repealed and replaced by PL 2013, c. 369, Pt. A, §13, is amended to read:

F. It is an objective of the triennial plan to design, coordinate and integrate sustained energy efficiency and weatherization programs that are available to all energy consumers in the State and to users of all fuel types. The plan must set forth the costs and benefits of energy efficiency programs that advance the following goals, and funding necessary to meet those goals:

- (1) Reducing energy costs, including residential heating costs;
- (2) Weatherizing substantially all homes whose owners or occupants are willing to participate in and share the costs of cost-effective home weatherization to a minimum standard of weatherization, as defined by the trust, by 2030;
- (3) Reducing peak-load demand for electricity through trust programs by 300 megawatts by 2020;
- (4) By 2020, achieving electricity and natural gas program savings of at least 20% and heating fuel savings of at least 20%, as defined in and determined pursuant to the measures of performance approved by the commission under section 10120;
- (5) Creating stable private sector jobs providing alternative energy and energy efficiency products and services in the State by 2020; and
- (6) Reducing greenhouse gas emissions from the heating and cooling of buildings in the State by amounts consistent with ~~the State's~~

~~goals established in Title 38, section 576~~
576-A.

The trust shall preserve when possible and appropriate the opportunity for carbon emission reductions to be monetized and sold into a voluntary carbon market. Any program of the trust that supports weatherization of buildings must be voluntary and may not constitute a mandate that would prevent the sale of emission reductions generated through weatherization measures into a voluntary carbon market.

Except when specifically provided in the individual goals under this paragraph, the trust may consider expected savings from market effects not attributable to the trust as well as efforts by other organizations, including but not limited to federally funded low-income weatherization programs.

As used in this paragraph, "heating fuel" means liquefied petroleum gas, kerosene or #2 heating oil, but does not include fuels when used for industrial or manufacturing processes.

Sec. 5. 38 MRSA §574, sub-§§1-A to 1-C are enacted to read:

1-A. Climate action plan. "Climate action plan" means the state plan adopted under section 577.

1-B. Gross annual greenhouse gas emissions. "Gross annual greenhouse gas emissions" means the total amount of greenhouse gases emitted by all sources within the State each year.

1-C. Net annual greenhouse gas emissions. "Net annual greenhouse gas emissions" means gross annual greenhouse gas emissions less the total amount of greenhouse gases absorbed each year by plants and natural ecosystems, including, but not limited to, trees, crops, soil and wetlands within the State.

Sec. 6. 38 MRSA §576, as enacted by PL 2003, c. 237, §1, is repealed.

Sec. 7. 38 MRSA §576-A is enacted to read:
§576-A. Greenhouse gas emissions reductions

1. 2030 annual emissions level. By January 1, 2030, the State shall reduce gross annual greenhouse gas emissions to at least 45% below the 1990 gross annual greenhouse gas emissions level.

2. Interim emissions level. By January 1, 2040, the gross annual greenhouse gas emissions level must, at a minimum, be on an annual trajectory sufficient to achieve the 2050 annual emissions level in accordance with subsection 3.

3. 2050 annual emissions level. By January 1, 2050, the State shall reduce gross annual greenhouse gas emissions to at least 80% below the 1990 gross annual greenhouse gas emissions level.

4. Monitoring, reporting and compliance rules.
By July 1, 2021, the department shall adopt rules to track and report to the Legislature on gross annual greenhouse gas emissions and net annual greenhouse gas emissions.

Notwithstanding any provision of section 341-H to the contrary, by September 1, 2021, the board shall adopt rules to ensure compliance with the levels established by subsections 1 to 3 which:

A. Must be consistent with the climate action plan, as updated pursuant to section 577, subsection 1;

B. Must prioritize greenhouse gas emissions reductions by sectors that are the most significant sources of greenhouse gas emissions, as identified by the United States Energy Information Administration and in the department's biennial reports submitted under section 578, taking into account gross greenhouse gas emissions reductions achieved by each sector since 1990 measured as a percentage of statewide gross greenhouse gas emissions and taking into account the cost-effectiveness of future gross greenhouse gas emissions reductions by each sector;

C. Must be fair and equitable and account for and give significant weight to greenhouse gas emissions reductions already achieved by various sectors; and

D. May establish a mechanism for crediting voluntary measures that quantifiably and reliably sequester additional carbon in forests, farms and coastal lands in the State or by the use of materials that sequester additional carbon.

The Department of Transportation, after consultation with the department, may adopt rules as necessary to ensure compliance with the levels established by subsections 1 to 3.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 8. 38 MRSA §577, as enacted by PL 2003, c. 237, §1, is amended to read:

§577. Climate action plan; update

By July 1, 2004, the department, with input from stakeholders, shall adopt a state climate action plan to meet ~~the reduction goals specified in section 576 for~~ greenhouse gas emissions. The action plan must address reduction in each sector in cost-effective ways and must allow sustainably managed forestry, agricultural and other natural resource activities to be used to sequester greenhouse gas emissions. The department shall submit the action plan to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

1. Update plan. By December 1, 2020, and every 4 years thereafter, the Maine Climate Council, as established in section 577-A and referred to in this section as "the council," with input from stakeholders, shall update the state climate action plan under this section and shall include in the plan strategies to meet the greenhouse gas emissions reduction levels specified in section 576-A.

2. Mitigation strategies. In updating the climate action plan under subsection 1, the council shall evaluate mitigation strategies to reduce gross annual greenhouse gas emissions and net annual greenhouse gas emissions consistent with the reduction levels in section 576-A. The council shall quantitatively analyze and report on the technical feasibility and cost-effectiveness of each mitigation strategy. The updated climate action plan must include climate change mitigation strategies to reduce greenhouse gas emissions in the State and, as applicable, must include updates to the mitigation strategies included in the plan and identification of new strategies through the application of the latest scientific and technological information available related to climate change.

3. Adaptation and resilience strategies. The updated climate action plan under subsection 1 must address the impacts of climate change upon the State and provide strategies and actions for climate adaptation and resiliency. These strategies must include implementation guidelines that:

A. Prioritize the welfare of the State's citizens and visitors and recognize and foster the value of the State's natural resources and natural resource-based industries;

B. Encourage diversity, inclusion and equity;

C. Provide education and training opportunities when appropriate;

D. Build upon existing global, national and state plans and partnerships for addressing climate adaptation, emergency preparedness and disaster risk reduction;

E. Encourage investments that prevent and proactively mitigate risk;

F. Encourage, foster and utilize the most recent scientific and technical information available; and

G. Incorporate means for measuring progress.

4. Clean energy economy transition plan. The updated climate action plan under subsection 1 must include a clean energy economy transition plan that, as applicable, incorporates feedback from the Maine Climate Council working groups established under section 577-A, subsection 7 and which may incorporate feedback from other entities with expertise in education, training, apprenticeships, workforce and labor.

The clean energy economy transition plan under this subsection must:

A. Include opportunities for and address barriers to advancing the State's clean energy economy;

B. Highlight strategies for the State's rural communities, workers and businesses as the State transitions to a low-carbon future that are designed to encourage good-paying jobs and long-term employment; and

C. Identify policy recommendations; opportunities for public-private partnerships; workforce development and educational opportunities, including opportunities for training and retraining workers and the development of apprenticeship programs; and other strategies necessary to the creation of clean energy jobs and a robust clean energy economy in the State.

5. Effects of climate change. The updated climate action plan under subsection 1 must provide the latest information on climate change effects in the State and on the sectors, ecosystems and communities most at risk from such effects.

6. Submission of plan. By December 1, 2020, and every 4 years thereafter, the council shall submit the updated climate action plan under subsection 1 and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over natural resources matters. Upon receipt and review of the plan, the joint standing committee may report out a bill to the Legislature related to the plan or the council's recommendations.

7. Objectives. In identifying the mitigation strategies and adaptation and resilience strategies to include in the updated climate action plan under subsections 2 and 3 and in developing the clean energy economy transition plan under subsection 4, the council shall give consideration to the following objectives:

A. Pursuing cost-effective, technologically feasible and equitable greenhouse gas emissions reduction pathways and adaptation and preparedness strategies, informed by scientific and technical expertise;

B. Pursuing actions that minimize deleterious effects, including those on persons of low income and moderate income, to public health and the environment and that support economic sectors that face the biggest barriers to emissions reductions and creating, when feasible, additional employment and economic growth in the State, especially in rural and economically distressed regions of the State;

C. Ensuring equity for all sectors and regions of the State and that the broadest group of residents benefit from the achievement of the greenhouse gas emissions reduction levels in section 576-A,

with consideration of economic, quality-of-life and public health benefits;

D. Encouraging the use of natural solutions to reduce net annual greenhouse gas emissions and increase resiliency, such as solutions related to forests, farms and coastal lands in the State and materials that sequester carbon;

E. Maximizing involvement in interstate and regional initiatives and programs designed to reduce regional greenhouse gas emissions;

F. Supporting industries, technology and training that will allow workers and companies in the State to benefit from carbon reduction solutions through jobs and economic activity; and

G. Planning for adaptation and resilience strategies that will prepare the State's communities, infrastructure and industries for current and anticipated effects of climate change.

8. Use of existing data. In updating the climate action plan under subsection 1, the council shall draw upon existing state data and studies, including, but not limited to, analyses and data from the 2004 climate action plan and the 2010 adaptation plan developed by the department, the evaluations of the State's progress toward meeting greenhouse gas emissions levels under section 578, the comprehensive state energy plan pursuant to Title 2, section 9, subsection 3, paragraph C and the Efficiency Maine Trust's triennial plan pursuant to Title 35-A, section 10104, subsection 4.

9. Funding. The costs to the council of updating the climate action plan pursuant to this section, including, but not limited to, the costs associated with the evaluation of mitigation strategies to reduce gross annual greenhouse gas emissions and net annual greenhouse gas emissions under subsection 2, may be funded using funds solicited and accepted by the council pursuant to section 577-A, subsection 9.

Sec. 9. 38 MRSA §577-A is enacted to read:

§577-A. Maine Climate Council

The Maine Climate Council, referred to in this section as "the council," is created to advise the Governor and Legislature on ways to mitigate the causes of, prepare for and adapt to the consequences of climate change.

1. Membership. The council's membership consists of the following 39 members:

A. Two members of the Senate, appointed by the President of the Senate, including one member of each of the 2 parties holding the most seats in the Senate;

B. Two members of the House of Representatives, appointed by the Speaker of the House, including one member of each of the 2 parties hold-

ing the most seats in the House of Representatives;

C. The Director of the Governor's Office of Policy and Management, or the director's designee;

D. The Commissioner of Administrative and Financial Services, or the commissioner's designee;

E. The Commissioner of Agriculture, Conservation and Forestry, or the commissioner's designee;

F. The Commissioner of Economic and Community Development, or the commissioner's designee;

G. The Commissioner of Environmental Protection, or the commissioner's designee;

H. The Commissioner of Inland Fisheries and Wildlife, or the commissioner's designee;

I. The Commissioner of Labor, or the commissioner's designee;

J. The Commissioner of Marine Resources, or the commissioner's designee;

K. The Commissioner of Transportation, or the commissioner's designee;

L. The Commissioner of Defense, Veterans and Emergency Management, or the commissioner's designee;

M. The Commissioner of Education, or the commissioner's designee;

N. The Commissioner of Health and Human Services, or the commissioner's designee;

O. The Director of the Governor's Energy Office, or the director's designee;

P. The director of the Efficiency Maine Trust, or the director's designee;

Q. The director of the Maine State Housing Authority, or the director's designee; and

R. The following 20 additional members appointed by the Governor representing state interests affected by climate change or with expertise in climate change issues:

(1) One member to represent marine fisheries;

(2) One member to represent agriculture;

(3) One member to represent municipal governments;

(4) One member to represent the forestry industry;

(5) One member to represent the State's energy sector;

(6) One member to represent the State's Indian tribes;

(7) One member to represent building or construction trades;

(8) One member to represent the manufacturing industry;

(9) One member to represent organized labor;

(10) Two members to represent business, including one member to represent small business;

(11) Two members to represent environmental nonprofit organizations or private foundations focused on environmental issues;

(12) Two members with expertise in climate change science, including a representative of the University of Maine System;

(13) Two members with expertise in climate change resilience and adaptation, emergency management or disaster risk reduction;

(14) One member to represent the State's youth; and

(15) Two other government or public members.

2. Terms; compensation; staffing. The term of a member appointed pursuant to subsection 1, paragraph R is 3 years. A legislative member appointed pursuant to subsection 1, paragraphs A or B serves for the duration of the Legislature in which the legislative member was appointed. At the end of a term, a member continues to serve until a successor is appointed.

Legislative members of the council, the subcommittee under subsection 6 and the working groups under subsection 7 are entitled to receive the legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at meetings of the council, the subcommittee and the working groups. Public members of the council not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement for travel and other necessary expenses only. Public members of the subcommittee and the working groups are not entitled to receive reimbursement of any expenses.

The Governor's Office of Policy and Management shall provide staffing services as necessary to the council, the subcommittee and the working groups. The departments and agencies referenced in subsection 1, paragraphs D through Q shall provide additional staffing services to the council, the subcommittee and the working groups, as necessary and as resources allow and when the expertise of the departments or

agencies is relevant to the work for which the additional staffing services are required.

3. Chairs. The Governor shall appoint 2 cochairs from among the members serving pursuant to subsection 1, paragraphs C to N.

4. Removal. The Governor may remove any member appointed under subsection 1, paragraph R for incompetence, misconduct or failure to perform the duties of the position.

5. Steering committee. The cochairs of the council shall designate a steering committee composed of a subset of the council, including, but not limited to, the cochairs of the council, the subcommittee cochairs under subsection 6 and the working group cochairs under subsection 7. The steering committee shall establish the priorities and order of business of the council, the subcommittee and the working groups and shall provide input on other administrative matters before the council, the subcommittee and the working groups, including, but not limited to, determining the dates and frequency of meetings of the steering committee, the council, the subcommittee and the working groups.

6. Scientific and Technical Subcommittee. The Scientific and Technical Subcommittee, referred to in this section as "the subcommittee," is established within the council to identify, monitor, study and report out to the council and to the working groups under subsection 7 relevant data, findings and recommendations related to climate change in the State and its effects on the State's climate, species, marine and coastal environments and natural landscape and on the oceans and other bodies of water.

The President of the Senate shall appoint as a member of the subcommittee a member of the Senate, and the Speaker of the House of Representatives shall appoint as a member of the subcommittee a member of the House of Representatives and, at the request of the cochairs of the council, either presiding officer may appoint additional legislators as members of the subcommittee from their respective chamber of the Legislature, except that the President and the Speaker shall ensure that both of the 2 political parties holding the most seats in the Legislature are represented in their appointments to the subcommittee under this subsection. The cochairs of the council shall appoint as additional members of the subcommittee persons with scientific backgrounds, training and expertise relating to the purposes for which the subcommittee is established. From among these appointed members of the subcommittee, the cochairs of the council shall designate 2 cochairs of the subcommittee.

In carrying out its duties, the subcommittee:

A. Shall meet at least every 6 months beginning no later than October 1, 2019, except that the subcommittee must meet at least 4 times before July

1, 2020. The subcommittee shall at its first meeting each calendar year establish an annual work plan;

B. May seek the advice of experts in fields related to its duties;

C. May create subgroups to provide data and recommendations on specific subtopics related to the subcommittee's duties;

D. Shall identify, review and monitor the direct and indirect effects of climate change and the factors contributing to those effects, including, but not limited to, air temperature changes, sea level rise, ocean and coastal acidification, warming ocean temperatures, increased precipitation and changes in salinity and dissolved oxygen concentrations;

E. Shall review, study and analyze existing scientific literature and data on the direct and indirect effects of climate change and how those effects have directly or indirectly affected communities and public health, marine environments and species, agriculture and forestry and ecosystems and species in the State;

F. Shall identify critical scientific data and knowledge gaps pertaining to the data and monitoring of state-based climate changes and impacts and recommend methods for monitoring;

G. Shall identify methods and protocols to mitigate direct and indirect effects of climate change on the State's species;

H. Shall establish science-based sea level rise projections for the State's coastal areas by December 1, 2020 and update those projections at least every 4 years;

I. Shall create maps that indicate the areas of the State that may be most affected by storm surges, ocean and river flooding and extreme weather events and make these maps publicly available on a website maintained by the Department of Agriculture, Conservation and Forestry, Maine Geological Survey; and

J. Shall analyze and identify options for quantifying carbon sequestration and emissions associated with biomass growth, management and utilization in upland and marine environments.

7. Working groups. There is established within the council the following working groups:

A. A transportation working group;

B. A coastal and marine working group;

C. A buildings, infrastructure and housing working group;

D. A working lands working group;

E. An energy working group; and

F. Other working groups established by the council as needed.

The President of the Senate shall appoint as a member of each working group a member of the Senate, and the Speaker of the House of Representatives shall appoint as a member of each working group a member of the House of Representatives and, at the request of the cochairs of the council, either presiding officer may appoint additional legislators from their respective chamber of the Legislature as members of any working group, except that the President and the Speaker shall ensure that both of the 2 political parties holding the most seats in the Legislature are represented in their appointments to each working group under this paragraph. The cochairs of the council shall appoint as additional members of each working group representatives of scientific and academic institutions, affected and involved businesses and industries, non-profit organizations and foundations, the State's youth and federal, state and local governments and agencies. From among these appointed members of each working group, the cochairs of the council shall designate 2 cochairs for that working group.

Each working group shall meet at least every 6 months, beginning no later than October 1, 2019 and shall establish at the working group's first meeting each calendar year an annual work plan.

8. Actions by council, subcommittee and working groups. The council shall consider and prioritize actions recommended by the subcommittee established in subsection 6 and the working groups established in subsection 7 and shall ensure that its actions and the actions of the subcommittee and the working groups, as applicable, are consistent with and include, but are not limited to, the following:

A. Developing the State's updated climate action plan in accordance with section 577;

B. Developing recommendations for legislation, including, but not limited to, legislation to better enable state agencies to implement the long-term goals included in the updated climate action plan under section 577;

C. Soliciting input from members of the public when developing the State's updated climate action plan and communicating with the public on progress and actions;

D. Developing broad public and private partnerships with federal, state and local agencies;

E. Ensuring that the State's transition to a clean energy economy benefits all residents of the State fairly and equitably, with particular consideration given to sources of employment, income levels and historical experience. Development of mitigation and adaptation strategies must include con-

sideration of how low-income residents of the State and residents of the State who are members of vulnerable communities will be affected by climate change and by the transition to a clean energy economy and how programs and incentives to address such effects can be designed to be accessible to all residents of the State regardless of income level, age, race or geographic location;

F. Assessing the impacts that climate change may have on the State's economy, revenues and investment decisions;

G. Assessing the need for utilities and other public and private service providers throughout the State to adjust their operating practices and investment strategies to increase their resiliency to climate change impacts;

H. Maximizing infrastructure, energy and new technologies for mitigation and adaptation options that come from state sources or create jobs in the State, or both;

I. Assessing the impacts that climate change may have on agriculture, fishing, forestry and other natural resource-based industries in the State and how those industries might best adapt to preserve those industries and the communities they support;

J. Recommending short-term and long-term strategies to mitigate the causes of and prepare for and adapt to the consequences of climate change;

K. Developing a plan to encourage and prepare for transitions in transportation, including both low-carbon and no-carbon technologies, and the changes in infrastructure required to accommodate those technologies, as well as infrastructure changes required as the result of climate disruption;

L. Developing and recommending strategies to address and prepare for coastal and coastal watershed hazards, including, but not limited to, ocean and coastal acidification, increased storm surges, extreme precipitation and other extreme weather events, projected sea level rise and increased river flooding and storm water runoff and the risks such hazards pose to municipalities, the coastal economy and state assets;

M. Developing new and supporting existing programs, codes and incentives that encourage increased energy efficiency and lower carbon emissions from the State's public and private buildings and businesses;

N. Assisting local governments and other constituents in supporting regional and community-scale climate vulnerability assessments and the development of specific strategies and integration of specific strategies into local plans and ordinances;

O. Encouraging programming in State Government and in municipal governments that allows the State to lead the way in demonstrating initiatives that reduce carbon emissions;

P. Establishing comprehensive and accountable annual working group work plans that set annual goals and performance benchmarks and prioritize new and existing climate change mitigation, preparedness actions and initiatives and report these out to stakeholders and the public; and

Q. Considering other related matters as the council, the subcommittee and the working groups determine to be necessary.

The council shall meet at least every 3 months, beginning no later than October 1, 2019, and shall establish at its first meeting each calendar year an annual work plan.

9. Funding. The council may solicit and accept funds from any source, public or private, to fulfill its responsibilities under this section, including, but not limited to, funds necessary to fulfill the responsibilities of the subcommittee under subsection 6 and the working groups under subsection 7.

The council shall include in the report required under subsection 10 a list of the amounts and sources of any funds accepted by the council in the prior calendar year, excluding those funds appropriated or allocated by the Legislature, and an indication of whether such outside funds were expended in the prior calendar year and, if expended, the purpose or purposes of the expenditure.

10. Report. Beginning January 15, 2021, and annually thereafter, the council shall submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters describing the activities of the council, the subcommittee and its working groups over the prior calendar year and including any findings and recommendations of the council, including any proposed legislation. After reviewing the report, the joint standing committee may report out legislation to implement any recommendations contained in the report.

Sec. 10. 38 MRSA §578, as amended by PL 2013, c. 415, §5, is further amended to read:

§578. Progress evaluation

By January 1, 2006 and by that date every 2 years thereafter, the department The department, in consultation with the Maine Climate Council, established under section 577-A, shall evaluate the State's progress toward meeting the reduction goals specified in section 576, review the cost-effectiveness of the actions taken toward meeting the reduction goals and shall amend the action plan as necessary to ensure that the State can meet the reduction goals 576-A and progress toward implementing the climate action plan in section

577. The department, after consultation with the council, shall submit a report of its evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by ~~January 1, 2016~~ December 1, 2022 and by that date every 2 years thereafter. The department, in consultation with the council, may recommend other metrics to share the progress on climate mitigation and adaptation strategies with the Legislature and public. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out legislation relating to the ~~evaluation to the second regular session of any Legislature.~~ The report required under this section, and the joint standing committee of the Legislature having jurisdiction over utilities and energy matters may make recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding that legislation. ~~Starting no earlier than January 1, 2008, the department may recommend to the joint standing committee of the Legislature having jurisdiction over natural resources matters that the reduction goals specified in section 576 be increased or decreased.~~

Sec. 11. Appropriations and allocations.

The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Appropriates funds for the costs to the Legislature for legislators to participate on the Maine Climate Council, the Council's Scientific and Technical Subcommittee and the Council's working groups.

GENERAL FUND	2019-20	2020-21
Personal Services	\$1,320	\$1,210
All Other	\$3,360	\$3,080
GENERAL FUND TOTAL	\$4,680	\$4,290

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 26, 2019.