



129th MAINE LEGISLATURE

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Legislative Document

No. 565

H.P. 409

House of Representatives, February 5, 2019

An Act To Establish the Maine Coastal Risks and Hazards Commission

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BLUME of York.
Cosponsored by Senator BREEN of Cumberland and
Representatives: BAILEY of Saco, COOPER of Yarmouth, DODGE of Belfast, HOBBS of
Wells, HYMANSON of York, JORGENSEN of Portland, McCREIGHT of Harpswell.

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

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

3 **24-G.**

4 <u>Environment:</u>	<u>Maine Coastal Risks</u>	<u>Legislative Per</u>	<u>38 MRSA §1805</u>
5 <u>Natural Resources</u>	<u>and Hazards</u>	<u>Diem and Expenses</u>	
6	<u>Commission</u>	<u>for Legislators and</u>	
7		<u>Expenses Only for</u>	
8		<u>Certain Members</u>	

9 **Sec. 2. 38 MRSA §1805** is enacted to read:

10 **§1805. Maine Coastal Risks and Hazards Commission**

11 **1. Establishment and purpose.** The Maine Coastal Risks and Hazards
12 Commission, referred to in this section as "the commission," established by Title 5,
13 section 12004-I, subsection 24-G, is created for the purpose of developing and
14 recommending objectives, strategies, legislation and rules and recommending other
15 actions to address and prepare for coastal and coastal watershed hazards identified by the
16 commission, including, but not limited to, increased storm surges, extreme precipitation
17 and other extreme weather events, projected sea level rise and increased river flooding
18 and storm water runoff and the risks such hazards pose to municipalities, the coastal
19 economy and state assets.

20 **2. Membership.** The commission consists of the following 21 members:

21 A. One member of the Senate, appointed by the President of the Senate;

22 B. Two members of the House of Representatives, appointed by the Speaker of the
23 House of Representatives;

24 C. The Commissioner of Environmental Protection or the commissioner's designee;

25 D. The Commissioner of Transportation or the commissioner's designee;

26 E. The Director of the Bureau of Resource Information and Land Use Planning
27 within the Department of Agriculture, Conservation and Forestry or the director's
28 designee;

29 F. The director of the Maine coastal zone management program within the
30 Department of Marine Resources or the director's designee;

31 G. A representative of a greater Portland council of governments, appointed by the
32 Speaker of the House of Representatives upon the recommendation of the council;

33 H. A representative of a Hancock County planning commission, appointed by the
34 President of the Senate upon the recommendation of the planning commission;

35 I. A representative of a Lincoln County regional planning commission, appointed by
36 the Speaker of the House of Representatives upon the recommendation of the
37 planning commission;

1 J. A representative of a southern Maine planning and development commission,
2 appointed by the Speaker of the House of Representatives upon the recommendation
3 of the planning and development commission;

4 K. A representative of a Washington County council of governments, appointed by
5 the President of the Senate upon the recommendation of the council;

6 L. The following 5 individuals, appointed by the President of the Senate:

7 (1) A representative of an organization that represents the interests of
8 municipalities in the State;

9 (2) A representative of an organization that represents the interests of the tourism
10 or recreational industry in the State;

11 (3) A representative of a statewide organization that promotes professional
12 environmental management practices to protect and improve the waters and
13 related environments in the State;

14 (4) A representative of an organization that represents the interests of a marine-
15 based industry in the State; and

16 (5) A member of the public with demonstrated expertise in the matters to be
17 addressed by the commission; and

18 M. The following 4 individuals, appointed by the Speaker of the House of
19 Representatives:

20 (1) A representative of an organization that represents the interests of the real
21 estate industry in the State;

22 (2) A representative of an organization that represents the interests of a working
23 waterfront or fisheries-based industry in the State;

24 (3) A member of the public with demonstrated expertise and credentials in
25 marine-based policy; and

26 (4) A member of the public with demonstrated expertise in the matters to be
27 addressed by the commission.

28 3. Chairs. At the first meeting of the commission, the commission shall select a
29 chair from among its members and may select a new chair annually.

30 4. Staffing. The Legislative Council shall provide staff support for the operation of
31 the commission, except that Legislative Council staff support is not authorized when the
32 Legislature is in regular or special session. In addition, the commission may contract for
33 administrative, professional and clerical services if funding permits.

34 5. Quorum. For purposes of holding a meeting, a quorum is a simple majority of all
35 members appointed to the commission under subsection 2. A quorum must be present to
36 start a meeting or to vote but not to continue or adjourn a meeting.

37 6. Terms; vacancies. Members of the commission serve for a term of 2 years and
38 may be reappointed. A vacancy must be filled in the same manner as the original

1 appointment. Members may continue to serve until their replacements are designated. A
2 member may designate an alternate to serve on a temporary basis.

3 **7. Consultation.** Whenever the commission considers it appropriate, the
4 commission may seek the advice of experts in fields related to its duties.

5 **8. Powers and duties.** The commission shall:

6 A. Meet at least 4 times annually. The Executive Director of the Legislative Council
7 shall call the first meeting of the commission as soon as funding permits and all
8 appointments have been made;

9 B. Review the best available science relating to current and future coastal and coastal
10 watershed hazards, including, but not limited to, increased storm surges, extreme
11 precipitation and other extreme weather events, projected sea level rise and increased
12 river flooding and storm water runoff. The commission shall make available on a
13 publicly accessible website all publications and information reviewed or compiled for
14 review by the commission;

15 C. Identify coastal assets that are vulnerable to current and future coastal and coastal
16 watershed hazards and determine the risks to be considered by the commission in
17 developing a set of objectives and recommendations for action under paragraphs D
18 and E;

19 D. Develop or identify a set of objectives, actionable strategies and best practices to
20 protect, adapt and sustain coastal assets that are vulnerable to current and future
21 coastal and coastal watershed hazards identified by the commission; and

22 E. Develop recommended legislation, rules and other actions in accordance with the
23 set of objectives, strategies and best practices developed or identified under
24 paragraph D to reduce the vulnerability of coastal assets and to adapt to current and
25 future coastal and coastal watershed hazards identified by the commission.

26 **9. Report and recommendations.** On or before November 1, 2022, and every 4
27 years thereafter, the commission shall submit a report to the joint standing committee of
28 the Legislature having jurisdiction over environmental and natural resources matters
29 containing its recommendations, including draft legislation, regarding actions to be taken
30 by the State to address and prepare for coastal and coastal watershed hazards identified by
31 the commission.

32 **10. Compensation.** Legislative members of the commission are entitled to receive
33 the legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and
34 other necessary expenses for their attendance at authorized meetings of the commission.
35 Public members not otherwise compensated by their employers or other entities that they
36 represent are entitled to receive reimbursement of necessary expenses and, upon a
37 determination of financial hardship, a per diem equal to the legislative per diem for their
38 attendance at authorized meetings of the commission.

39 **11. Outside funding.** The commission may seek outside funding to fund the cost of
40 public hearings, conferences, workshops, other meetings and other activities of the
41 commission. All contributions are subject to approval by the Legislative Council in

1 accordance with its policies. All funds accepted must be forwarded to the Executive
2 Director of the Legislative Council along with an accounting record that includes the
3 amount of funds, the date the funds were received, from whom the funds were received
4 and the purpose of and any limitation on the use of those funds. The executive director
5 shall administer any funds received by the commission and accepted as approved by the
6 Legislative Council.

7

SUMMARY

8 This bill establishes the Maine Coastal Risks and Hazards Commission, the purpose
9 of which is to develop and submit legislative recommendations regarding the actions to
10 be taken by the State to address and prepare for coastal and coastal watershed hazards
11 identified by the commission, including, but not limited to, increased storm surges,
12 extreme precipitation and other extreme weather events, projected sea level rise and
13 increased river flooding and storm water runoff. On or before November 1, 2022, and
14 every 4 years thereafter, the commission must submit a report to the joint standing
15 committee of the Legislature having jurisdiction over environmental and natural
16 resources matters containing its recommendations, including any draft legislation, to
17 address and prepare for identified coastal and coastal watershed hazards.