

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

Date: (Filing No. H- )

**ENVIRONMENT AND NATURAL RESOURCES**

Reproduced and distributed under the direction of the Clerk of the House.

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

COMMITTEE AMENDMENT “ ” 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**

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

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

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

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

11 **Sec. 4. Appropriations and allocations.** The following appropriations and  
 12 allocations are made.

13 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

14 **Land Resources Z188**

15 Initiative: Provides funding for the technology management costs associated with 4  
 16 Environmental Specialist III positions.

17 <b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
18 All Other	\$11,300	\$11,300
19		
20 GENERAL FUND TOTAL	\$11,300	\$11,300

21 **Land Resources Z188**

22 Initiative: Provides funding for 4 Environmental Specialist III positions and associated All  
 23 Other costs.

24 <b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
25 POSITIONS - LEGISLATIVE COUNT	4,000	4,000
26 Personal Services	\$266,097	\$374,584
27 All Other	\$5,452	\$5,452
28		
29 GENERAL FUND TOTAL	\$271,549	\$380,036

31 **ENVIRONMENTAL PROTECTION,**  
 32 **DEPARTMENT OF**  
 33 **DEPARTMENT TOTALS**

34	<b>2023-24</b>	<b>2024-25</b>
35 <b>GENERAL FUND</b>	<b>\$282,849</b>	<b>\$391,336</b>
36		
37 <b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$282,849</b>	<b>\$391,336</b>

38 ,

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

**SUMMARY**

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)**