

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Establish the Maine Coastal Risks and Hazards Commission**

**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 Coastal</u>	<u>Legislative Per Diem</u>	<u>38 MRSA §1805</u>
<u>Natural Resources</u>	<u>Risks and Hazards</u>	<u>and Expenses</u>	
	<u>Commission</u>		

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

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

**1. Establishment and purpose.** The Maine Coastal Risks and Hazards Commission, referred to in this section as "the commission," established by Title 5, section 12004-I, subsection 24-G, is created for the purpose of developing and recommending legislation, rules and other actions to address and prepare for coastal and coastal watershed hazards identified by the commission, including, but not limited to, 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 and state assets.

**2. Membership.** The commission consists of the following 36 members:

A. Two members of the Senate, appointed by the President of the Senate;

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

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

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

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

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

G. The Director of the Bureau of General Services within the Department of Administrative and Financial Services or the director's designee;

H. The Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry or the director's designee;

- I. The Director of the Maine Coastal Program within the Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning, Division of Geology, Natural Areas and Coastal Resources or the director's designee;
- J. The Executive Director of the Maine Land Use Planning Commission within the Department of Agriculture, Conservation and Forestry or the executive director's designee;
- K. The Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management or the director's designee;
- L. The Director of the University of Maine System's sea grant college program or the director's designee;
- M. A representative of a greater Portland council of governments, appointed by the Speaker of the House of Representatives upon the recommendation of the council;
- N. A representative of the Hancock County planning commission, appointed by the President of the Senate upon the recommendation of the commission;
- O. A representative of the Lincoln County regional planning commission, appointed by the Speaker of the House of Representatives upon the recommendation of the commission;
- P. A representative of a midcoast council of governments, appointed by the President of the Senate upon the recommendation of the council;
- Q. A representative of a midcoast regional planning commission, appointed by the Speaker of the House of Representatives upon the recommendation of the commission;
- R. A representative of a southern Maine planning and development commission, appointed by the President of the Senate upon the recommendation of the commission;
- S. A representative of a Washington County council of governments, appointed by the Speaker of the House of Representatives upon the recommendation of the council;
- T. The following 8 individuals, appointed by the President of the Senate:
  - (1) A representative of an organization that represents the interests of the lobster fishery in the State;
  - (2) A representative of an organization that represents the interests of the ocean fishery in the State;
  - (3) A representative of an organization that represents the interests of municipalities in the State;
  - (4) A representative of an organization that represents the interests of the tourism industry in the State; and
  - (5) Four representatives of municipalities located within each of the following counties: Sagadahoc, Waldo, Washington and York; and

U. The following 7 individuals, appointed by the Speaker of the House of Representatives:

- (1) A representative of an organization that represents the interests of the shellfish fishery in the State;
- (2) A representative of an organization that represents the interests of the aquaculture industry in the State;
- (3) A representative of an organization that represents the interests of the real estate industry in the State; and
- (4) Four representatives of municipalities located within each of the following counties: Cumberland, Knox, Hancock and Lincoln.

**3. Chairs.** The first member appointed to the commission under subsection 2, paragraph A is the Senate chair. The first member appointed to the commission under subsection 2, paragraph B is the House chair.

**4. Staff assistance.** Within the limits of its budget, the commission is authorized to contract with and employ staff members to assist the commission in carrying out its duties.

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

**6. Terms; vacancies.** Members of the commission serve for a term of 2 years and may be reappointed. A vacancy must be filled in the same manner as the original appointment. Members may continue to serve until their replacements are designated. A member may designate an alternate to serve on a temporary basis.

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

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

A. Shall meet at least 4 times annually. The first meeting of the commission must be held no later than 45 days after the effective date of this section;

B. Shall review, compile and analyze scientific and other reports and publications relating to coastal and coastal watershed hazards, including, but not limited to, increased storm surges, extreme precipitation and other extreme weather events, projected sea level rise and increased river flooding and storm water runoff. The commission shall make available on a publicly accessible website all publications and information reviewed or compiled for review by the commission;

C. Shall review United States Department of Commerce, National Oceanic and Atmospheric Administration and other scientific agency projections of coastal storm inundation and flood risk to determine the appropriate information, data and property risks to be considered by the commission in developing a unified plan and recommendations for action under paragraphs D and E;

D. Shall develop a unified plan to address and prepare for current and projected future risks posed by coastal and coastal watershed hazards identified by the commission; and

E. Shall make findings and develop recommended legislation, rules and other actions in accordance with the unified plan developed under paragraph D to address and prepare for coastal and coastal watershed hazards identified by the commission.

**9. Report and recommendations.** On or before November 1, 2019, and every 5 years thereafter, the commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters containing its findings and recommendations, including draft legislation, regarding actions to be taken by the State to address and prepare for coastal and coastal watershed hazards identified by the commission.

**10. Reimbursement of expenses.** The members of the commission are compensated according to the provisions of Title 5, section 12004-I, subsection 24-G.

**11. Accounting; outside funding.** All funds appropriated, allocated or otherwise provided to the commission must be deposited in an account separate from all other funds of the Legislature and are nonlapsing. Funds in the account may be used only for the purposes of the commission. The commission may seek and accept outside funding, and any outside funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting that includes the amount received, the date that amount was received, from whom that amount was received, the purpose of the donation and any limitation on use of the funds. The executive director shall administer all funds received in accordance with this subsection. At the beginning of each fiscal year, and at any other time at the request of the cochairs of the commission, the executive director shall provide to the commission an accounting of all funds available to the commission, including funds available for staff support.

## SUMMARY

This bill establishes the Maine Coastal Risks and Hazards Commission, the purpose of which is to make findings and develop and submit to the Legislature recommendations regarding the actions to be taken by the State to address and prepare for coastal and coastal watershed hazards identified by the commission, including, but not limited to, increased storm surges, extreme precipitation and other extreme weather events, projected sea level rise and increased river flooding and storm water runoff. On or before November 1, 2019, and every 5 years thereafter, the commission must submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters containing its findings and recommendations, including any draft legislation to address identified coastal and coastal watershed hazards.