

§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. [PL 2019, c. 476, §9 (NEW).]

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; [PL 2019, c. 476, §9 (NEW).]

B. Two members of the House of Representatives, appointed by the Speaker of the House, including one member of each of the 2 parties holding the most seats in the House of Representatives; [PL 2019, c. 476, §9 (NEW).]

C. The Director of the Office of Policy Innovation and the Future, or the director's designee; [PL 2019, c. 476, §9 (NEW); PL 2019, c. 343, Pt. D, §18 (REV); PL 2021, c. 293, Pt. A, §52 (REV).]

D. The Commissioner of Administrative and Financial Services, or the commissioner's designee; [PL 2019, c. 476, §9 (NEW).]

E. The Commissioner of Agriculture, Conservation and Forestry, or the commissioner's designee; [PL 2019, c. 476, §9 (NEW).]

F. The Commissioner of Economic and Community Development, or the commissioner's designee; [PL 2019, c. 476, §9 (NEW).]

G. The Commissioner of Environmental Protection, or the commissioner's designee; [PL 2019, c. 476, §9 (NEW).]

H. The Commissioner of Inland Fisheries and Wildlife, or the commissioner's designee; [PL 2019, c. 476, §9 (NEW).]

I. The Commissioner of Labor, or the commissioner's designee; [PL 2019, c. 476, §9 (NEW).]

J. The Commissioner of Marine Resources, or the commissioner's designee; [PL 2019, c. 476, §9 (NEW).]

K. The Commissioner of Transportation, or the commissioner's designee; [PL 2019, c. 476, §9 (NEW).]

L. The Commissioner of Defense, Veterans and Emergency Management, or the commissioner's designee; [PL 2019, c. 476, §9 (NEW).]

M. The Commissioner of Education, or the commissioner's designee; [PL 2019, c. 476, §9 (NEW).]

N. The Commissioner of Health and Human Services, or the commissioner's designee; [PL 2019, c. 476, §9 (NEW).]

O. The Director of the Governor's Energy Office, or the director's designee; [PL 2019, c. 476, §9 (NEW).]

P. The director of the Efficiency Maine Trust, or the director's designee; [PL 2019, c. 476, §9 (NEW).]

Q. The director of the Maine State Housing Authority, or the director's designee; and [PL 2019, c. 476, §9 (NEW).]

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. [PL 2019, c. 476, §9 (NEW).]
[PL 2019, c. 476, §9 (NEW); PL 2019, c. 343, Pt. D, §18 (REV); PL 2021, c. 293, Pt. A, §52 (REV).]

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 Office of Policy Innovation and the Future 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.

[PL 2019, c. 476, §9 (NEW); PL 2019, c. 343, Pt. D, §18 (REV); PL 2021, c. 293, Pt. A, §52 (REV).]

3. Chairs. The Governor shall appoint 2 cochairs from among the members serving pursuant to subsection 1, paragraphs C to N.
[PL 2019, c. 476, §9 (NEW).]

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. [PL 2019, c. 476, §9 (NEW).]

5. Steering committee. The cochair of the council shall designate a steering committee composed of a subset of the council, including, but not limited to, the cochair of the council, the subcommittee cochair under subsection 6 and the working group cochair 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.

[PL 2019, c. 476, §9 (NEW).]

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 cochair 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 cochair 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 cochair 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; [PL 2019, c. 476, §9 (NEW).]
- B. May seek the advice of experts in fields related to its duties; [PL 2019, c. 476, §9 (NEW).]
- C. May create subgroups to provide data and recommendations on specific subtopics related to the subcommittee's duties; [PL 2019, c. 476, §9 (NEW).]
- 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; [PL 2019, c. 476, §9 (NEW).]
- 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; [PL 2019, c. 476, §9 (NEW).]
- 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; [PL 2019, c. 476, §9 (NEW).]

G. Shall identify methods and protocols to mitigate direct and indirect effects of climate change on the State's species; [PL 2019, c. 476, §9 (NEW).]

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; [PL 2019, c. 476, §9 (NEW).]

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 [PL 2019, c. 476, §9 (NEW).]

J. Shall analyze and identify options for quantifying carbon sequestration and emissions associated with biomass growth, management and utilization in upland and marine environments. [PL 2019, c. 476, §9 (NEW).]

[PL 2019, c. 476, §9 (NEW).]

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

A. A transportation working group; [PL 2019, c. 476, §9 (NEW).]

B. A coastal and marine working group; [PL 2019, c. 476, §9 (NEW).]

C. A buildings, infrastructure and housing working group; [PL 2019, c. 476, §9 (NEW).]

D. A working lands working group; [PL 2019, c. 476, §9 (NEW).]

E. An energy working group; and [PL 2019, c. 476, §9 (NEW).]

F. Other working groups established by the council as needed. [PL 2019, c. 476, §9 (NEW).]

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, nonprofit 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.

[PL 2019, c. 476, §9 (NEW).]

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; [PL 2019, c. 476, §9 (NEW).]

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; [PL 2019, c. 476, §9 (NEW).]

- 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; [PL 2019, c. 476, §9 (NEW).]
- D. Developing broad public and private partnerships with federal, state and local agencies; [PL 2019, c. 476, §9 (NEW).]
- 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 consideration 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; [PL 2019, c. 476, §9 (NEW).]
- F. Assessing the impacts that climate change may have on the State's economy, revenues and investment decisions; [PL 2019, c. 476, §9 (NEW).]
- 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; [PL 2019, c. 476, §9 (NEW).]
- 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; [PL 2019, c. 476, §9 (NEW).]
- 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; [PL 2019, c. 476, §9 (NEW).]
- J. Recommending short-term and long-term strategies to mitigate the causes of and prepare for and adapt to the consequences of climate change; [PL 2019, c. 476, §9 (NEW).]
- 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; [PL 2019, c. 476, §9 (NEW).]
- 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; [PL 2019, c. 476, §9 (NEW).]
- 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; [PL 2019, c. 476, §9 (NEW).]
- 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; [PL 2019, c. 476, §9 (NEW).]
- 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; [PL 2019, c. 476, §9 (NEW).]
- 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 [PL 2019, c. 476, §9 (NEW).]

Q. Considering other related matters as the council, the subcommittee and the working groups determine to be necessary. [PL 2019, c. 476, §9 (NEW).]

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.
[PL 2019, c. 476, §9 (NEW).]

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.
[PL 2019, c. 476, §9 (NEW).]

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.
[PL 2019, c. 476, §9 (NEW).]

SECTION HISTORY

PL 2019, c. 476, §9 (NEW). PL 2019, c. 343, Pt. D, §18 (REV). PL 2021, c. 293, Pt. A, §52 (REV).

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