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Legislative Document

No. 563

H.P. 407

House of Representatives, February 5, 2019

An Act To Help Municipalities Prepare for Sea Level Rise

Reference to the Committee on State and Local Government suggested and ordered printed.

ROBERT B. HUNT

R(+ B. Hunt

Presented by Representative BLUME of York. Cosponsored by Senator BREEN of Cumberland and Representatives: BAILEY of Saco, BRYANT of Windham, DENK of Kennebunk, HOBBS of Wells, HYMANSON of York, JORGENSEN of Portland, McCREIGHT of Harpswell, RYKERSON of Kittery.

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

- Sec. 1. 30-A MRSA §4312, sub-§3, ¶J, as amended by PL 2015, c. 349, §1, is further amended to read:
 - J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters; and
 - **Sec. 2. 30-A MRSA §4312, sub-§3, ¶K,** as enacted by PL 2015, c. 349, §2, is amended to read:
 - K. To encourage municipalities to develop policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets. and
 - Sec. 3. 30-A MRSA §4312, sub-§3, ¶L is enacted to read:
 - L. To plan for the effects of the rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant state, regional, municipal or privately held infrastructure, property or resources.
- Sec. 4. 30-A MRSA §4326, first ¶, as amended by PL 2001, c. 578, §15, is further amended to read:
 - A growth management program must include at least a comprehensive plan, as described in subsections 1 to -4- 4-A, and an implementation program as described in subsection 5.
 - Sec. 5. 30-A MRSA §4326, sub-§4-A is enacted to read:
 - 4-A. Addressing sea level rise. A coastal municipality or multimunicipal region that includes a coastal municipality may include in its comprehensive plan projections regarding changes in sea level and potential effects of the rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant municipal, multimunicipal or privately held infrastructure or property and may develop a coordinated plan for addressing the effects of the rise in sea level. For the purposes of this subsection, "coastal municipality" means a municipality or township in the coastal zone as identified by a coastal program administered by the Department of Marine Resources.
- Sec. 6. 38 MRSA §1801, sub-§§8 and 9, as enacted by PL 1985, c. 794, Pt. A, §11, are amended to read:
- 8. Water quality. Restore and maintain the quality of our fresh, marine and estuarine waters to allow for the broadest possible diversity of public and private uses; and

9. Air quality. Restore and maintain coastal air quality to protect the health of citizens and visitors and to protect enjoyment of the natural beauty and maritime characteristics of the Maine coast-; and

Sec. 7. 38 MRSA §1801, sub-§10 is enacted to read:

10. Sea level rise. Encourage the assessment of and planning for the effects of the rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant state, regional, municipal or privately held infrastructure, property or resources.

9 SUMMARY

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This bill amends the State's growth planning and land use laws to reflect that addressing the effects of sea level rise is a state planning and regulatory goal. The bill amends the laws regarding the State's coastal management policies to direct state, local and certain federal agencies responsible for regulating, planning, developing or managing coastal resources to conduct their activities affecting the coastal area consistent with the policy of encouraging the assessment of and planning for the effects of the rise in sea level. The bill provides that a coastal municipality or multimunicipal region that includes a coastal municipality, if the municipality or region adopts a growth management program under the State's growth planning and land use laws, may include in its comprehensive plan projections regarding sea level changes and the potential effects of the rise in sea level and may develop a coordinated plan for addressing the effects of the rise in sea level. The bill also provides that "coastal municipality" means a municipality or township in the coastal zone as identified by a coastal program administered by the Department of Marine Resources.