

MAINE STATE LEGISLATURE

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EMERGENCY
SECOND REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

6 **Legislative Document**

No. 1950

8 H. P. 1975 House of Representatives, February 9, 1982
Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

9 Referred to the Committee on Energy and Natural Resources. Sent
up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Vose of Eastport.

Cosponsors: Representative Huber of Falmouth and Representa-
tive Holloway of Edgecomb.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-TWO

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**RESOLVE, Authorizing the State Planning
Office to Study the Implications for Maine
of Canadian Tidal Power Development in the
Bay of Fundy.**

21 **Emergency preamble.** Whereas, Acts and resolves of the
22 Legislature do not become effective until 90 days after ad-
23 journment unless enacted as emergencies; and

24 Whereas, planning is going ahead for major tidal power
25 development in Nova Scotia; and

26 Whereas, a study by a Canadian scientist predicts that
27 this development could cause a significant change in tidal
28 range along the Maine coast, with high tides about 6 inches
29 higher and low tides about 6 inches lower; and

30 Whereas, such changes would have some effects on marine
31 resources, the intertidal zone and coastal property, but
32 those effects are not specifically known; and

1 Whereas, the State needs to be in a position to make an
2 informed response to these tidal power developments in the
3 near future; and

4 Whereas, in the judgment of the Legislature, these
5 facts create an emergency within the meaning of the Consti-
6 tution of Maine and require the following legislation as
7 immediately necessary for the preservation of the public
8 peace, health and safety; now, therefore, be it

9 **Canadian tidal power, study of implications.** Resolved:
10 That the State Planning Office is authorized to conduct and
11 review studies on the implications for Maine of tidal power
12 development in the Bay of Fundy. These activities should
13 address the following areas: Engineering studies, including
14 verification of the physical modeling predictions of changes
15 in the tidal range, and preliminary analysis of engineering
16 methods to mitigate these changes, especially during storm
17 surge conditions; impact studies, including impacts on fish-
18 eries, other ecological impacts, impact on coastal property
19 and other significant environmental and economic impacts.
20 In addition, the State Planning Office is authorized and
21 directed to obtain from the Office of Energy Resources, and
22 other available sources, a review of the intergovernmental
23 considerations relevant to negotiation and cooperation among
24 the affected states and provinces on a project of this kind
25 and to obtain from the Office of Energy Resources an assess-
26 ment of the energy benefits to the State and the region of
27 the power project.

28 In conducting these studies it is expected that, where
29 appropriate, the State Planning Office will seek the assis-
30 tance of other state agencies and qualified scientific orga-
31 nizations by contract, agreement or other arrangement; and
32 be it further

33 **Reports to the Legislature.** Resolved: That the State
34 Planning Office shall keep the Joint Standing Committee on
35 Energy and Natural Resources and the Joint Standing Commit-
36 tee on Public Utilities fully and currently informed of
37 their activities in connection with these studies.

38 The State Planning Office shall submit to the Legis-
39 lature, final reports of these studies when available, and
40 on or before February 1, 1983, an interim report on Canadian
41 tidal power including a summary of findings, issue identifi-
42 cation and recommendations for further study and action.

43 **Emergency clause.** In view of the emergency cited in
44 the preamble, this resolve shall take effect when approved.

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STATEMENT OF FACT

2 Planning is going ahead for a major tidal power devel-
3 opment in Nova Scotia. Canadian studies show that this
4 development could cause a significant change in the tidal
5 range on the coast of Maine. High tides would be higher,
6 and low tides lower. The purpose of this resolve is to
7 establish a Maine-sponsored independent evaluation of the
8 physical effect on the tides of building a tidal barrage at
9 any of the proposed sites. The study would also investigate
10 the potential environmental effects on coastal areas due to
11 a change in the tidal range. The study may be done in col-
12 laboration with Massachusetts and New Hampshire, which would
13 share any impact.

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