

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 985

H.P. 733 House of Representatives, March 27, 1987
Reference to the Committee on Energy and Natural
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative TAMMARO of Baileyville.
Cosponsored by Representatives MOHOLLAND of Princeton,
VOSE of Eastport and Senator RANDALL of Washington.

STATE OF MAINE

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

AN ACT Creating the St. Croix International
Waterway Commission.

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

Sec. 1. 38 MRSA c. 8 is enacted to read:

CHAPTER 8

ST. CROIX INTERNATIONAL WATERWAY COMMISSION

§991. Findings and purpose

The Legislature finds that the St. Croix River
for its entire length, including Grand Lake and
Spednick Lake, forms a common international boundary
between the United States and Canada; and that the

1 management of the waterway and the use of adjacent
2 lands is of special concern to the State and the
3 Province of New Brunswick.

4 The Legislature finds that the State shares an
5 important cultural, social and economic heritage with
6 the Province of New Brunswick, that northern and
7 eastern Maine's economies are interdependent with
8 that of the Province of New Brunswick and that care-
9 ful efforts to promote tourism and development can
10 have shared benefits for citizens of both regions.

11 The Legislature finds that the St. Croix River
12 was identified as one of the State's most outstanding
13 river stretches in the Department of Conservation's
14 1982 Maine Rivers Study and is specifically desig-
15 nated for protection in Title 12, section 405.

16 The Legislature finds that the St. Croix River
17 and lakes system provides an outstanding recreational
18 fishery, including fishing opportunities for Atlantic
19 salmon, and that the adjacent lands provide habitat
20 for various species of wildlife, including the bald
21 eagle and osprey.

22 The Legislature finds that the diverse landscape
23 features and natural resources provide the visitor
24 with opportunities for boating, canoeing, hiking,
25 bird watching, camping, swimming, picnicking, ice
26 fishing, hunting, snowmobiling and cross-country
27 skiing, among other activities; and that the river
28 and forest lands along its shores provide hydropower
29 and the raw materials for a forest products industry
30 offering quality employment opportunities to people
31 of the State.

32 The Legislature further finds that the thoughtful
33 development of opportunities to appreciate and use
34 these resource features can provide increased devel-
35 opment of tourism and employment, while protecting
36 the very resources attracting people to the area; and
37 to shepherd the resources carefully and effectively,
38 while promoting the tourism potential of the area,
39 requires joint planning, development and management
40 of the area by the State and the Province of New
41 Brunswick.

1 The Legislature further finds that the St. Croix
2 River Joint Advisory Commission, an international
3 commission formed by the Governor of the State and
4 the Premier of the Province of New Brunswick, in July
5 1986, to study the need for coordinated planning and
6 management of the St. Croix River, recommended, in
7 November 1986, the formation of a permanent 8-member
8 commission, to be known as the St. Croix International
9 Waterway Commission, composed of 4 representatives
10 from Maine and 4 from the Province of New Brunswick,
11 to develop a plan to coordinate planning and manage-
12 ment of the uses and resources of the St. Croix Wa-
13 terway.

14 In view of the need for joint planning, develop-
15 ment and management of the waterway by the State and
16 the Province of New Brunswick and the recommendation
17 of the St. Croix River Joint Advisory Commission that
18 Maine participate in a permanent commission, which
19 shall be known as the St. Croix International Water-
20 way Commission, and the fact that the Governor of the
21 State and the Premier of the Province of New
22 Brunswick have signed a Memorandum of Understanding,
23 which is the basis of this chapter and describes the
24 composition, powers, authorities and boundaries of
25 the commission, the participation of the State on the
26 commission is hereby authorized and the necessary
27 funds to support the State's participation shall be
28 appropriated to the Department of Conservation to be
29 dispersed to the commission.

30 §992. Definitions

31 As used in this chapter, unless the context oth-
32 erwise indicates, the following terms have the fol-
33 lowing meanings.

34 1. Commission. "Commission" means the St. Croix
35 International Waterway Commission.

36 2. Memorandum of Understanding. "Memorandum of
37 Understanding" means the Memorandum of Understanding
38 Between the State of Maine of the United States and
39 the Province of New Brunswick of Canada Regarding the
40 St. Croix International Waterway, signed by the Gov-
41 ernor of the State and the Premier of the Province of
42 New Brunswick in November 1986.

1 3. Waterway. "Waterway" means the St. Croix
2 River, including the Chiputneticook Lakes.

3 §993. St. Croix International Waterway boundaries
4 established

5 The boundaries for the St. Croix International
6 Waterway shall be on the Maine side, commencing 250
7 feet from the high watermark at the northern end of
8 the bridge over Lewis Cove in Perry, Maine; thence by
9 a straight line in a northeasterly direction toward
10 the easternmost point of Navy Island to the Interna-
11 tional Boundary; thence in a northerly direction
12 along the International Boundary to the monument on
13 Monument Brook; thence southerly along the United
14 States side of Monument Brook 250 feet from the high
15 watermark continuing southward along Monument Brook
16 to North Lake and southward along the shores of North
17 Lake, The Thoroughfare, Grand Lake, Mud Lake and
18 Spednick Lake; and thence southerly 250 feet above
19 the high watermark along the United States side of
20 the St. Croix River to the place of beginning being
21 250 feet from the high watermark at the northern end
22 of the bridge over Lewis Cove in Perry, Maine; and
23 shall be established on the New Brunswick side, by
24 the Province of New Brunswick by their own action,
25 commencing 200 feet from the high watermark at the
26 southernmost point of St. Andrews; thence by a
27 straight line in a southerly direction to the
28 easternmost point of Navy Island, also known as St.
29 Andrews Island; thence by a straight line in a south-
30 westerly direction toward the northern end of the
31 bridge over Lewis Cove in Perry, Maine, to the Inter-
32 national Boundary; thence in a northerly direction
33 along the International Boundary to the monument on
34 Monument Brook; thence southerly along the Canadian
35 side of Monument Brook 200 feet from the high water-
36 mark to the point where the Monument Brook empties
37 into North Lake; thence easterly along the northern
38 shore of North Lake 200 feet above the high watermark
39 to Highway 122; thence easterly along Highway 122 to
40 Canterbury; thence southerly along the Canadian
41 Pacific Railway line to McAdam; thence westerly along
42 Route 4 to the International Boundary between St.
43 Croix and Vanceboro; thence southerly 200 feet above
44 the high watermark along the Canadian side of St.
45 Croix River and maintaining this 200 feet above the

1 high watermark around Oak Bay and Waweig Bay to the
2 place of beginning being 200 feet from the high wa-
3 termark at the southernmost point of St. Andrews.

4 §994. Creation of St. Croix International Waterway
5 Commission

6 To carry out the purposes of this chapter, there
7 is created the St. Croix International Waterway Com-
8 mission. The objectives of the commission are, to
9 the extent permitted by the laws of the United States
10 and Canada, to:

11 1. Protect recreational resources. Protect and
12 manage an increasingly valuable natural and recrea-
13 tional resource for current and future usage;

14 2. Encourage back country experience. Encourage
15 and maintain a high quality back country recreational
16 and educational experience for users of the resource;

17 3. Encourage tourism. Encourage tourism, based
18 on identified themes, with resultant economic bene-
19 fits to the region;

20 4. Promote heritage. Protect and promote aware-
21 ness of human heritage resources, including both In-
22 dian and early European;

23 5. Coordinate shared resource. Ensure coordina-
24 tion in the planning and management of a shared re-
25 source;

26 6. Ensure fair use. Establish the mechanisms
27 and processes to be used to ensure fair representa-
28 tion of all user groups, thereby minimizing con-
29 licts; and

30 7. Obtain optimal benefits. Obtain optimal ben-
31 efits from recreational and educational use of the
32 resource, while recognizing the historic and current
33 economic importance of the forest resource, including
34 its management and commercial utilization.

35 §995. Members and organization

1 1. Membership; terms; quorum. The commission
2 shall consist of 8 members, of whom 4 shall be ap-
3 pointed by the Premier of the Province of New
4 Brunswick and 4 appointed by the Governor of the
5 State. Initially, 4 of the members shall be ap-
6 pointed for a one-year term and 4 members shall be
7 appointed for 2-year terms, so that members may not
8 all reach the end of their terms at the same time.
9 Thereafter, all members shall be appointed for a term
10 of 2 years and may be eligible for reappointment.
11 Representatives of the governments of the United
12 States and Canada shall be invited as observers by
13 the Governor of the State and the Premier of New
14 Brunswick, respectively. Representatives from the
15 governments of the United States and Canada shall not
16 be counted for purposes of determining a quorum. Al-
17 ternates may be appointed for each member of the com-
18 mission in the same manner as the members. The com-
19 mission shall elect 2 co-chairmen, one of Canadian
20 nationality and one of United States nationality from
21 among its members, each of whom shall hold office for
22 a term of 2 years. A quorum shall consist of at
23 least 6 members of the commission or their alter-
24 nates, including, at all times 3 Canadian and 3
25 United States members. The commission shall reach
26 its decisions on all issues by consensus. When fail-
27 ing to reach consensus, the commission shall refer
28 the issue for resolution to both the Governor of the
29 State and the Premier of the Province of New
30 Brunswick for their joint consideration.

31 2. Executive director. The commission shall ap-
32 point an executive director. The executive director
33 shall serve as the principal staff to the commission
34 and shall be responsible for preparation of the com-
35 mission's agendas, meeting minutes, the commission's
36 plans for management of the St. Croix International
37 Waterway, public participation in the planning pro-
38 cess, supervision of other commission staff and other
39 duties as the commission may specify. The first ex-
40 ecutive director of the commission shall be nominated
41 jointly by the State and the Province of New
42 Brunswick and approved by the commission and shall
43 serve for a period of 3 years in an office within a
44 community along the St. Croix River. At the end of
45 this initial 3-year term, the commission shall evalu-
46 ate the performance of the executive director and

1 submit their evaluation with recommended action to
2 the State and the Province of New Brunswick. The
3 State and the Province of New Brunswick shall each
4 designate a staff person from their respective gov-
5 ernments to serve as a principal liaison and
6 facilitator for requests made by the executive direc-
7 tor in the conduct of the planning and management ef-
8 forts for the St. Croix International Waterway Com-
9 mission.

10 3. Meetings. The commission shall hold at least
11 2 meetings every calendar year and shall submit an
12 annual report to the Governor of the State and the
13 Premier of the Province of New Brunswick on or before
14 March 31st of each year, along with an audit state-
15 ment of the financial operations of the commission.
16 The commission shall permit inspection of its records
17 by the accounting agencies of both governments. The
18 commission may employ both Canadian and United States
19 citizens. Their employment shall be subject to the
20 relevant United States and Canadian laws.

21 §996. Authority

22 The commission may, to the extent permitted by
23 the laws of the United States and Canada:

24 1. Develop plan; cooperation with landowners.
25 Direct the development of the recreational and re-
26 source management plan in cooperation with landown-
27 ers;

28 2. Establish committees. Establish working com-
29 mittees to conduct the planning and recommend the
30 management strategies to the commission for the uses
31 and resources of concern;

32 3. Implement plans. Seek to implement plans,
33 through working agreements established among the line
34 departments of the State, the Province of New
35 Brunswick, where appropriate, and, to the extent pos-
36 sible, the United States Government, the Government
37 of Canada and private landowners;

38 4. Cooperate. Cooperate with private
39 entrepreneurs and landowners;

1 5. Provide for involvement and education. Provide
2 a formal channel for public involvement and edu-
3 cation on the planning and management efforts; and

4 6. Ensure adherence to the plan. Ensure that
5 the area is managed according to the adopted plan, in
6 cooperation with all interested parties, until the
7 plan is modified or until enabling legislation is re-
8 pealed by either the State or the Province of New
9 Brunswick.

10 §997. Powers

11 The commission shall, subject to the applicable
12 laws of the governments of the United States and Can-
13 ada, have all the powers and capacity necessary or
14 appropriate for the purpose of performing its func-
15 tions, including, but not limited to, the following
16 powers and capacity to:

17 1. Contract. Enter into contracts;

18 2. Staff. Appoint staff and fix the terms and
19 conditions of their employment and remuneration;

20 3. Executive director. Appoint an executive di-
21 rector who shall serve as the principal staff to the
22 commission and who shall be responsible for prepara-
23 tion of the commission's agendas, meeting minutes,
24 the commission plan for management of the St. Croix
25 International Waterway, public participation in the
26 planning process, supervision of staff and other du-
27 ties as the commission may specify;

28 4. Property. Acquire and dispose of personal
29 and real property;

30 5. Joint projects. Cooperate or engage in joint
31 projects with local municipalities or other authori-
32 ties for the improvement, development or maintenance
33 of property;

34 6. Budget. Prepare an annual budget that speci-
35 fies the expenditures that the commission may make in
36 the forthcoming fiscal year; and

1 7. Funding. Seek appropriations from the State
2 and the Province of New Brunswick and accept funding
3 from the Governments of the United States and Canada
4 to carry out the purposes set out in sections 991 and
5 994 and to accept donations, bequests or devises in-
6 tended for furthering the functions of the commission
7 and to use those donations, bequests or devises as
8 may be provided in the terms of the donations, be-
9 quests or devises.

10 §998. Commission operating procedures

11 1. Shared costs. The State and the Province of
12 New Brunswick shall share the costs of developing and
13 managing the St. Croix International Waterway Commis-
14 sion. To the extent feasible, the commission may
15 seek to enter into arrangements with agencies of Can-
16 ada and the United States to provide necessary ser-
17 vices as the commission may request.

18 2. Committees. There shall be 4 working commit-
19 tees: Land use; recreation; fisheries and wildlife;
20 and nonrecreational uses, established to undertake
21 the planning and to oversee the management of the
22 uses and resources in the waterway area. The commit-
23 tees shall be staffed by personnel from line agencies
24 of the State and the Province of New Brunswick. The
25 working committees may appoint subcommittees as
26 needed.

27 3. Ex officio members; committee functions;
28 plans. The working committees may invite elected
29 community representatives, representatives from fed-
30 eral agencies, private citizens, members of citizen
31 organizations and representatives from private sector
32 commercial interests to serve on the committee in an
33 ex officio capacity. Each committee shall prepare a
34 preliminary plan designed to optimize the management
35 of the uses or resources for which it has responsi-
36 bility. These plans shall be submitted to the execu-
37 tive director of the commission who shall work with
38 the committees to resolve conflicts and to integrate
39 the plans into a unified management plan that is in
40 accord with the objectives set forth in section 994
41 or as may be further spelled out by the commission.
42 The executive director shall solicit public comments
43 on the plan in both the State and the Province of New

1 Brunswick. The executive director shall work with
2 the working committees to revise, if necessary, the
3 plan before presenting it to the commission for final
4 adoption. The commission shall formally adopt the
5 plan by consensus. The commission shall reassess the
6 recreational and resource management plan at least
7 once in every 4 years and shall submit its assess-
8 ment, with any recommendations, to the State and the
9 Province of New Brunswick.

10 4. Budget. The commission shall submit annually
11 to the State and the Provincial Government of New
12 Brunswick a budget covering total anticipated expend-
13 itures to be financed from all sources and shall con-
14 duct its operations in accordance with the budget as
15 approved by the State and the Province of New
16 Brunswick.

17 5. Regulation and enforcement. Authority to
18 regulate development and usage of the water and
19 shorelands of the St. Croix River, Grand Lake and
20 Spednick Lake rests with the State and Provincial
21 Governments, their respective federal governments
22 and, for matters affecting international jurisdic-
23 tion, the International Joint Commission. In cases
24 where regulatory authority is inadequately defined,
25 the commission shall recommend measures to assure
26 that authority is vested with the appropriate depart-
27 ments and they shall take action to facilitate as-
28 sumption of the needed authority. It shall be the
29 responsibility of the line departments to enforce
30 regulations in the area. All initiatives from line
31 departments which impact upon the area shall be re-
32 ferred to the appropriate working committee and that
33 committee shall advise the commission if the initia-
34 tive is consistent with the goals of the adopted
35 plan.

36 6. Committee powers. The committees shall exer-
37 cise powers and functions of the commission which are
38 delegated to them by the commission and shall submit,
39 at each meeting of the commission, minutes of their
40 proceedings since the last preceding meeting of the
41 commission. The working committees may appoint sub-
42 committees as needed. The commission may appoint
43 other committees as it considers necessary or desir-
44 able for the administration of the adopted plans.

1 7. Compensation. The commissioners shall re-
2 ceive no remuneration from the commission. They may
3 be paid reasonable per diem and travel expenses by
4 the commission in the conduct of commission business.

5 §999. Timetable for completion of commission plan

6 The commission shall develop a management plan
7 for the St. Croix International Waterway within 18
8 months after both the State and the Province of New
9 Brunswick have appropriated the funds necessary to
10 support the commission. The necessary management
11 agreements to implement the plan shall be formulated
12 and signed by the participating management agencies
13 prior to commission approval of the plan and shall be
14 considered part of the plan.

15 §1000. First meeting of commission

16 The first meeting of the commission shall be
17 called by the Governor of the State and shall be held
18 in Calais, Maine. The Premier of the Province of New
19 Brunswick has agreed, in the Memorandum of Under-
20 standing, to designate a person to serve as the tem-
21 porary chairman of the commission at its first meet-
22 ing until the commission nominates from among its
23 members and approves by consensus co-chairmen.

24 §1001. Commission and working committee members,
25 invitees and observers

26 Members of the commission and its various working
27 committees may include, but not be limited to, repre-
28 sentatives from the following government departments
29 and agencies, private associations and community of-
30 fices:

31 1. Local member of Legislature. Local members
32 of the Legislature;

33 2. Mayor, selectmen or members of town councils.
34 The mayor, selectmen or members of town councils;

35 3. Department of Conservation. The Department
36 of Conservation;

37 4. Local rod and gun clubs. Local rod and gun
38 clubs;

- 1 5. Georgia-Pacific Corporation. The
2 Georgia-Pacific Corporation;
- 3 6. Passamaquoddy Tribal Government. The
4 Passamaquoddy Tribal Government;
- 5 7. Maine Audubon Society. The Maine Audubon So-
6 ciety;
- 7 8. Maine Natural Resources Council. The Maine
8 Natural Resources Council;
- 9 9. Washington County Regional Planning Commis-
10 sion. The Washington County Regional Planning Com-
11 mission;
- 12 10. Washington County Commissioners. Washington
13 County Commissioners;
- 14 11. State Planning Office. The State Planning
15 Office;
- 16 12. Department of Inland Fisheries and Wildlife.
17 The Department of Inland Fisheries and Wildlife;
- 18 13. Department of Marine Resources. The Depart-
19 ment of Marine Resources;
- 20 14. Atlantic Sea Run Salmon Commission. The At-
21 lantic Sea Run Salmon Commission;
- 22 15. Bass Anglers Sportsmen Society. The Bass
23 Anglers Sportsmen Society;
- 24 16. United States Environmental Protection Agen-
25 cy. The United States Environmental Protection Agen-
26 cy;
- 27 17. United States Army Corp of Engineers. The
28 United States Army Corp of Engineers;
- 29 18. United States Department of the Interior,
30 National Park Service. The United States Department
31 of the Interior, National Park Service; and
- 32 19. New Brunswick members. Members representing
33 groups similar to those set out in subsections 1 to
34 18, in New Brunswick.

1 **Sec. 2. Appropriation.** The following funds are
2 appropriated from the General Fund to carry out the
3 purposes of this Act.

4		<u>1987-88</u>	<u>1988-89</u>
5	<u>CONSERVATION, DEPARTMENT OF</u>		
6	Positions	(1)	(1)
7	Personal Services	\$28,970	\$28,970
8	All Other	5,680	5,680
9	Capital Expenditures	10,000	10,000
10			
11	Total	<u>\$445,650</u>	<u>\$44,650</u>

12 The State shall pay
13 1/2 of the cost for
14 2 full-time posi-
15 tions, an executive
16 director and a sec-
17 retary, All Other
18 and Capital Expendi-
19 tures, and the Prov-
20 ince of New
21 Brunswick shall pay
22 1/2 of the cost.

23 **Sec. 3. Reciprocity.** This Act shall become ef-
24 fective when similar legislation is enacted and be-
25 comes effective in the Province of New Brunswick.

1

STATEMENT OF FACT

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
33
34
35
36

The Governor of the State of Maine and the Premier of the Province of New Brunswick signed, in November 1986, a Memorandum of Understanding agreeing to endeavor to establish a commission to develop a plan for managing the uses and resources of the St. Croix Waterway, which forms an International Boundary between Maine and New Brunswick. The St. Croix River and lakes system is noted for its outstanding recreational fishery, which provides fishing opportunities for Atlantic salmon. The area also provides habitat for bald eagles and osprey. The diverse landscape features and natural resources provide opportunities for many outdoor recreational activities. To shepherd the resources carefully and effectively, while promoting the tourism potential of the area, will require joint planning, development and management of the area by the State and the Province of New Brunswick. This bill creates the St. Croix International Waterway Commission and authorizes the State's participation in the commission with the Province of New Brunswick, and provides for the appropriation of \$89,300 as the State's share of the commission's operating expenses for the 1988-89 biennium. The commission shall be composed of 8 members, 4 from the State and 4 from the Province of New Brunswick and shall be staffed by an executive director. The commission shall formulate a plan to coordinate and direct the planning and management efforts for the uses and the resources of the St. Croix Waterway and its immediate shorelands. The plan shall receive extensive public review before adoption by the commission. Actual implementation of the plan will be through the line agencies in the State and the Province of New Brunswick.

0283031387