

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2031

H.P. 1457

House of Representatives, December 26, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 26, 1989. Referred to the Committee on Energy and Natural Resources and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative ROLDE of York.

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STATE OF MAINE

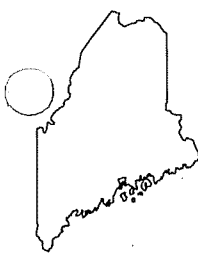
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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An Act to Establish the Wells Reserve Management Authority.

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

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3       **Sec. 1. Definition.** As used in this Act, unless the context  
4 otherwise indicates, the following terms have the following  
5 meanings.

6           **1. Authority.** "Authority" means the Wells Reserve  
7 Management Authority.

8  
9           **2. Reserve.** "Reserve" means the Wells National Estuarine  
10 Research Reserve.

11  
12       **Sec. 2. Reserve.** The Wells National Estuarine Research  
13 Reserve is established and was designated in 1984 as part of the  
14 National Estuarine Reserve Research System authorized by the  
15 federal Coastal Zone Management Act, 16 United States Code,  
16 Section 1461 (1986) and 15 Code of Federal Regulations, Part 921.

17  
18           **1. National system.** The mission of the system is to  
19 provide opportunities for long-term research, education and  
20 interpretation. The goals of the national system are to:

21  
22           A. Ensure a stable environment for research through  
23 long-term protection of estuarine reserve resources;

24  
25           B. Address coastal management issues identified as  
26 significant through coordinated estuarine research within  
27 the system;

28  
29           C. Enhance public awareness and understanding of the  
30 estuarine environment and provide suitable opportunities for  
31 public education and interpretation;

32  
33           D. Promote federal, state, public and private uses of one  
34 or more reserves within the system when such entities  
35 conduct estuarine research; and

36  
37           E. Conduct and coordinate estuarine research within the  
38 system, and gather and make available information necessary  
39 for improved understanding and management of estuarine areas.

40  
41           **2. Reserve lands.** The reserve is situated on the Atlantic  
42 coast within the Town of Wells between the Little River on the  
43 north and Eldridge Road on the south, east of Route 1 and north  
44 of the developed barrier beaches on Drakes Island and Wells  
45 Beach. The reserve contains approximately 1,550 acres, including  
46 part of the Rachel Carson National Wildlife Refuge and lands  
47 owned by the State and the Town of Wells.

48  
49           **3. Federal oversight.** The federal agency responsible for  
50 overview of reserve operation is the federal Marine and Estuarine  
51 Management Division of the Office of Ocean and Coastal Resource  
52

2 Management under the National Atmospheric and Oceanic  
Administration, United States Department of Commerce. This  
4 agency supports the reserve with federal funds, matched with  
contributions from the Laudholm Trust, which solicits funds from  
6 foundations, corporations and individuals.

8 **Sec. 3. Authority established.** The Wells Reserve Management  
Authority is established to provide a management framework for,  
and ensure the long-term protection of, the reserve.

10 **1. Membership.** Composition of the authority is as follows:

12 A. One member representing the state Department of  
14 Conservation, but not an on-site employee at the reserve,  
appointed by the Commissioner of Conservation;

16 B. One member representing the Town of Wells, appointed by  
18 the selectmen of the Town of Wells;

20 C. One member representing the Laudholm Trust, appointed by  
the trustees of that trust;

22 D. One member representing the United States Fish and  
24 Wildlife Service, but not an on-site employee at the  
reserve, appointed by the Region 5 United States Fish and  
26 Wildlife Director;

28 E. One member with an established reputation in the  
research field, appointed by the Governor;

30 F. One member representing the State Planning Office, to  
32 serve ex officio, appointed by the director; and

34 G. One member representing the federal Marine and Estuarine  
Management Division of the Office of Ocean and Coastal  
36 Resource Management under the National Atmospheric and  
Oceanic Administration, United States Department of  
38 Commerce, to serve ex officio, appointed by the Secretary of  
Commerce.

40 The minimum term of appointment for any member is 3 years.

42 **2. Duties.** The authority, in compliance with the  
44 management plan authorized by 15 Code of Federal Regulations,  
Part 921, is responsible for on-site management of the reserve  
46 and providing overall authority to establish and coordinate  
research and education and resource management policies for the  
48 reserve, except for land owned by the United States Fish and  
Wildlife Service, which is managed by the service's federal  
50 mandates, as described in its Memo of Understanding.

The authority shall:

- 2  
4 A. Review and approve work programs for resource management, education, research, building and administration;  
6  
8 B. Receive and disburse funds for reserve operations and development and review and approve the annual budget of the reserve;  
10  
12 C. Establish and amend reserve policies and programs;  
14  
16 D. Periodically review the management plan as required by federal regulation;  
18  
20 E. Ensure financial stability of the reserve;  
22  
24 F. Employ reserve personnel as necessary;  
26  
28 G. Establish standing and ad hoc committees as needed, including, but not limited to:  
30  
32 (1) An education committee;  
34 (2) A research committee;  
36 (3) A building committee;  
38 (4) A budget committee; and  
40 (5) A resource management committee;  
42  
44 H. Prepare a set of working bylaws that address, but are not limited to:  
46 (1) Selection of a chair;  
36 (2) Powers and duties of the authority;  
38 (3) Procedures for personnel selection;  
40 (4) Establishment of committees; and  
42 (5) Conducting business; and  
44  
46 I. Perform such other duties as necessary to comply with federal law or regulations.

48 3. Rules. The authority may promulgate rules in accordance  
50 with the Maine Revised Statutes, the Maine Administrative  
52 Procedure Act, Title 5, chapter 375, for the protection of reserve resources and physical structures in its jurisdiction and for the protection and safety of the public.

2

## STATEMENT OF FACT

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6       This bill establishes the Wells Reserve Management Authority  
to provide a management framework for the Wells National  
8       Estuarine Research Reserve that was designated in 1984 as part of  
the National Estuarine Reserve Research System. The  
10       establishment of this authority enhances compliance with federal  
law and regulation governing the reserve and serves as a  
12       formalized commitment on the part of the State to support  
effective long-term management and protection of the reserve and  
its resources.