

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 929

S. P. 345

In Senate, February 15, 1967

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Hildreth of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

**AN ACT Relating to the Maine - New Hampshire Compact for Establishing a
Bi-State Commission on Oceanography.**

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

Sec. 1. R. S., T. 10, c. 104, additional. Title 10 of the Revised Statutes is amended by adding a new chapter 104, to read as follows:

CHAPTER 104

MAINE - NEW HAMPSHIRE COMMISSION ON OCEANOGRAPHY

§ 861. Compact authorized

The Maine - New Hampshire Commission on Oceanography is enacted into law and entered into with the State of New Hampshire provided the State of New Hampshire legally joins therein in the form substantially as provided in this chapter.

§ 862. Findings—Article I

Maine and New Hampshire are by virtue of geographic location and other characteristics ocean oriented commercially; the population of both states contributes substantially to the strength and security of the United States on and under the ocean; one of the largest continental shelf areas of the United States lies off the shores of Maine and New Hampshire; the resources of the Gulf of Maine and the ocean can provide a source of great economic growth; Maine and New Hampshire's educational, industrial, commercial and scientific interests have been mutually pursuing ocean oriented activity; and the increased use of these facilities and resources requires coordination and planning between the States

of Maine and New Hampshire. To this end, it is the intent of this compact to establish and provide for a Bi-State Commission on Oceanography.

§ 863. Purpose—Article II

It is the purpose of this compact to provide, in the States of Maine and New Hampshire, improved facilities and procedures for the expansion, coordination and implementation of the policies, programs and activities of interstate significance in the Maine - New Hampshire region in the field of oceanography and hydrospace including, but not limited to the physical, social, economic, educational and scientific aspects related directly or indirectly thereto; to study, investigate and plan appropriate activities with respect to the coordination, development, expansion and implementation of every phase of oceanography and hydrospace; to provide means by which interstate conflicts may be resolved; and to provide procedures for interstate coordination of the interests of all public and private agencies, persons and entities in the fields covered by this compact and to provide an organization to carry out the purposes of this compact.

§ 864. Creation of commission—Article III

There is created the Maine - New Hampshire Commission on Oceanography, hereinafter in this chapter called the "commission".

§ 865. Membership—Article IV

The commission shall consist of 6 members from each party state to be appointed and to serve, in accordance with and subject to the laws of the state which they represent. The members of the commission shall consist of persons who are representative of the fields of industry, education, commerce and government.

§ 866. Functions—Article V

To carry out the purpose of this compact, it shall be the responsibility of the commission to prepare studies and plans, and to recommend procedures and sponsor programs to implement, coordinate, develop and expand all activities directly or indirectly related to the fields of oceanography and hydrospace in all area of Maine and New Hampshire or areas that may affect these states; and these activities may include but are not limited to the following:

1. Basic data. Collection and interpretation of basic data;
2. Projects. Investigation, planning and programming, including scheduling, of projects of interstate or regional significance;
3. Services and programs. Planning and scheduling of governmental services and programs which would be of assistance to the orderly growth and prosperity of the region, and to the well-being of its population in the fields of oceanography and hydrospace;
4. Plans. Encouraging of the referral of plans or proposals for projects and programs of interstate or regional significance to the commission;

5. Utilization of federal assistance. Studying and recommending means for the most effective utilization of such federal assistance as may be available on a regional basis or as may have an interstate or regional impact;

6. Cooperative undertakings. Assisting the party states, or either of them, in cooperative undertakings with the Federal Government or any agencies thereof;

7. Assist and advise. Assisting and advising industry, governmental agencies and schools in the development and expansion of programs related to or associated with oceanography or hydrospace.

To avoid duplication of effort and in the interests of economy, the commission shall make use of existing studies, surveys, plans, data and other materials in the possession of the governmental agencies of the party states and their respective subdivisions or in the possession of other inter-state agencies. Each such agency, within available appropriations and if not expressly prevented or limited by law, is authorized to make such materials available to the commission and to otherwise assist it in the performance of its functions. At the request of the commission each such agency is further authorized to provide the commission with information regarding plans and programs affecting the Maine-New Hampshire region so that the commission may have available to it current information with respect thereto.

The commission shall use qualified public and private agencies to make investigations and conduct research, but if it is unable to secure the undertaking of such investigations or original research by a qualified public or private agency, it shall have the power to make its own investigations and to conduct its own research. The commission may make contracts with any public or private agencies or private persons or entities for the undertaking of such investigations or original research within its purview.

The officers and personnel of agencies of the party states, and of any other government or agency whatever, or private citizens, or representatives of private organizations, may serve at the request of the commission upon such advisory committees as the commission may determine to create; and such officers and personnel of any such government or agency, may serve upon its committees without forfeiture of office or employment and with no loss or diminution in the status, rights and privileges which they otherwise enjoy.

§ 867. Cooperation with the Federal Government and other governmental agencies—Article VI

Each party state is authorized to participate in cooperative or joint undertakings with the Federal Government, any appropriate agency or agencies thereof, or with any interstate agency or agencies. Such participation shall be at the instance of the Governor or in such other manner as state laws may provide or authorize. The commission shall facilitate the work of state representatives in any joint interstate or cooperative federal-state undertaking authorized by this Article, and each state shall keep the commission advised of its activities in respect of such undertakings, to the extent that they have interstate or regional significance.

§ 868. Meetings and voting—Article VII

The commission shall meet at least once every 90 days. No action of the commission shall be binding unless taken at a meeting at which a majority of the commission members are present and a majority of the total number of votes on the commission are cast in favor thereof, provided that any action not binding by reason of failure to meet this requirement may be ratified within 30 days by the concurrence in writing of a majority of the commission members.

Any member who does not attend at least one meeting in any 6-month period shall forfeit his position on the commission.

§ 869. Finances—Article VIII

1. **Budget.** The commission shall submit to the Governor or designated officer of each party state a budget, including a statement of all funds expected to be available to the commission and their sources, and a request for an appropriation to cover that state's share of expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

2. **Moneys.** With due regard for such moneys and other assistance as may be made available to it, the commission shall be provided with such funds by each of the several states participating therein to provide such means as are necessary to carry out the purposes of the commission.

With due allowance for moneys otherwise available, each budget of the commission shall be the responsibility of the party states, to be apportioned equally between them.

3. **Obligations.** The commission shall not pledge the credit of either jurisdiction. The commission may meet any of its obligations in whole or in part with funds available to it under section 870, subsection 5, of this compact, provided that the commission take specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in such manner.

4. **Expenses.** The members of the commission shall be paid by the commission their actual expenses incurred and incidental to the performance of their duties, subject to the approval of the commission.

5. **Accounts.** The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipt and disbursements of funds handled by the commission shall be audited by a qualified public accountant and the report of the audit shall be included in and become a part of the annual report of the commission.

6. **Open for inspection.** The accounts of the commission shall be open at any reasonable time for inspection by such agency, representative or representatives of the jurisdiction which appropriate funds to the commission.

§ 870. Administration and management—Article IX

1. **Suits; seal.** The commission may sue and be sued and shall have a seal.

2. **Officers.** The commission shall elect annually, from among its members, a chairman, vice-chairman and treasurer. The chairman and vice-chairman shall not be from the same state. The commission shall appoint an executive director who shall act as secretary, and together with the treasurer, shall be bonded in such amounts as the commission may require.

3. **Personnel.** The commission shall appoint and remove or discharge such personnel as may be necessary for the performance of its functions irrespective of any civil service laws or state personnel regulations which might otherwise apply. The commission may establish and maintain, independently by contract or agreement with either of the party states, suitable retirement programs for its employees. Employees of the commission shall be eligible for social security coverage in respect to old age and survivors insurance, provided that the commission takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the commission terms and conditions of employment similar to those enjoyed by employees of the party states generally.

4. **From outside.** The commission may borrow, accept or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any intergovernmental agency, or from any institution, person, firm or corporation.

5. **Grants.** The commission may accept for any of its purposes and functions under this compact any and all appropriations, donations grants or money, equipment, supplies, materials and services, conditional or otherwise, from any state or the United States, or any subdivision or agency thereof, or intergovernmental agency, or any institution, person, firm or corporation, and may receive, utilize and dispose of the same.

6. **Facilities.** The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

7. **Bylaws.** The commission may adopt, amend and rescind bylaws, rules and regulations for the conduct of its business.

8. **Reports.** The commission shall make and transmit annually, to the legislature and governor of each party state, a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been adopted by the commission. The commission may issue such additional reports as it may deem desirable.

§ 871. Other compacts and activities—Article X

Nothing in this compact shall be construed to impair, or otherwise affect the jurisdiction of any interstate agency in which either party state participates nor to abridge, impair or otherwise affect the provisions of any compact to which any one or more of the party states may be a party, nor to supersede, diminish or otherwise affect any obligation assumed under any such compact; nor shall anything in this compact be construed to discourage additional interstate com-

pacts by the party states or the establishment of intergovernmental agencies in subareas of the region. Nothing in this compact shall be construed to limit the jurisdiction or activities of any participating government, agency or officer thereof, or any private person or agency.

§ 872. Enactment—Article XI

This compact shall become effective when entered into and enacted into law by both the State of Maine and the State of New Hampshire.

§ 873. Withdrawal—Article XII

This compact shall continue in force and remain binding upon each party state until renounced by it. Renunciation of this compact must be preceded by sending 3-years' notice in writing of intention to withdraw from the compact to the governor of the other state party hereto.

§ 874. Construction and severability—Article XIII

The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be unconstitutional or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to any other state, agency, person or circumstance shall not be affected thereby. It is the legislative intent that this compact be reasonably and liberally construed.

§ 875. Members of commission

The members of the Maine - New Hampshire Commission on Oceanography who represent this State thereon shall be appointed by the Governor with the advice and consent of the Council. The term of office shall be for 6 years. In the establishment of the commission, the first 2 appointed shall serve for 2 years, the second 2 appointed shall serve for 4 years and the third 2 appointed shall serve for six years.

§ 876. Commission employees

The employees of the Maine - New Hampshire Commission on Oceanography may, upon the concluding of an agreement for coverage with the Maine State Employees Retirement System, be eligible for and covered by such system. Any such agreement shall provide, as nearly as may be, for the same ratio of employee contribution to total contribution as pertains for members of the Maine State Employees Retirement System generally.

§ 877. Repeal of compact

Renunciation, within the meaning of section 873 of the compact shall be accomplished by Act of the Legislature repealing the compact and by notice in accordance with Article XII. In the event of such an Act of repeal, the Governor shall send the necessary notice to the other party state.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Maine - New Hampshire Commission on Oceanography to carry out the purposes of this Act the sum of \$100,000 for the fiscal year ending June 30, 1968 and the sum of \$100,000 for the fiscal year ending June 30, 1969.