

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND THIRD LEGISLATURE

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**Legislative Document**

**No. 1379**

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H. P. 948

House of Representatives, March 7, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lowery of Brunswick.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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### AN ACT Creating the Oceanology Act of 1967.

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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, as follows:

#### CHAPTER 104

#### OCEANOLOGY

##### § 861. Short title

This chapter may be cited as the "Oceanology Act of 1967."

##### § 862. Policy

It is declared to be the policy of the State of Maine to develop, encourage and maintain a coordinated, comprehensive and long range state program in oceanology for the benefit of its citizens, to coordinate the efforts of the various state agencies, federal agencies, individual businesses, scientific and educational efforts so that the maximum potential and utilization of oceanology may be realized at the earliest practical moment and of other resources, as well.

##### § 863. Objectives

**1. Contributions.** The oceanology activities of the State of Maine should be conducted so as to contribute to the following objectives:

**A.** The accelerated development of the resources of the oceanological environment.

- B. The expansion of human knowledge of the oceanological environment;
- C. The encouragement of private investment enterprise in exploration, technological development, marine commerce and economic utilization of the resources of the oceanological environment;
- D. The preservation of the role of the State of Maine as a leader in oceanological science and resource development;
- E. The advancement of education and training in oceanological science;
- F. The development and improvement of the capabilities, performance, use and efficiency of techniques, equipment and instruments for use in exploration, research, surveys and the recovery of resources in the oceanological environment;
- G. The effective utilization of the scientific and engineering resources of the State of Maine, with close cooperation among all interested agencies, public and private, in order to avoid unnecessary duplication of effort, facilities and equipment, or waste;
- H. The cooperation by the State of Maine with other states and the Federal Government and international organizations in oceanological science activities when such cooperation is in the State of Maine's interest.

#### § 864. The State Council on Oceanology

There is established, in the Executive Department, the State Council on Oceanology, hereinafter in this chapter called the council, which shall be composed of:

1. **Membership.** A chairman, who may be either the Governor's Administrative Assistant or the President of the Senate. Such appointment shall be made by the Governor.

An Advisory Council composed of not less than 12 nor more than 30 members. These shall be appointed by the Governor with the advice and consent of the Executive Council. The categories shall be as follows:

##### A. Representatives of State Departments:

- Sea and Shore Fisheries
- Inland Fisheries and Game
- Water Improvement Commission
- Park and Recreation Commission
- Agriculture
- Health and Welfare
- Economic Development

##### B. The majority and minority leaders of the Legislature.

##### C. One or more representatives of:

- Legal profession
- Scientific and educational complexes

Economic field  
Medical profession  
Industrial field  
Business community  
Labor community  
Investment field

2. Other Officials. The Governor may name to the council such other officers and officials as he deems advisable.

3. If chairman absent. The Governor shall from time to time designate one of the members of the council to preside over meetings of the council during the absence, disability or unavailability of the chairman.

4. Alternates. Each member of the council, except those designated pursuant to subsection 2, may designate any officer of his department or agency to serve on the council as his alternate in his unavoidable absence. The council shall meet monthly.

5. Staff. The council may employ a staff and equip an office.

6. Effective date. The provisions of this chapter with respect to the council shall expire 4 years from the effective date of this chapter.

#### § 865. Responsibilities

1. Duties. In conformity with section 863, it shall be the duty of the Governor with the advice and assistance of the council to:

A. Survey all significant oceanological science activities including the policies, plans, programs and accomplishments of all departments and agencies of the State of Maine engaged in such activities;

B. Develop a comprehensive program of oceanological science activities, including, but not limited to, exploration, description and prediction of the oceanological environment, exploitation and conservation of the resources of the oceanological environment, oceanological engineering, studies of air-sea interaction, to be conducted by departments and agencies of the State of Maine, independently or in cooperation with such nonstate organizations as institutions and industry;

C. Designate and fix responsibility for the conduct of the foregoing oceanological science activities by departments and agencies of the State of Maine;

D. Insure cooperation and resolve differences arising among departments and agencies of the State of Maine with respect to oceanological science activities under this chapter; including differences as to whether a particular project is an oceanological science activity;

E. Undertake a comprehensive study, by contract or otherwise, of the legal problems arising out of the management, use, development, recovery and control of the resources of the oceanological environment;

F. Establish long-range studies of the potential benefits to the State of Maine economy, security, health and welfare to be gained from oceanological resources, engineering and science, and the costs involved in obtaining such benefits; and

G. Review annually all oceanological science activities conducted by departments and agencies of the State of Maine in light of the policies, plans, programs and priorities developed pursuant to this Act.

2. State program. In the planning and conduct of a coordinated State program, the Governor and the council shall utilize such staff, inter-agency, and nongovernment advisory arrangements as they may find necessary and appropriate and shall consult with departments and agencies concerned with oceanological science activities and solicit the views of nonstate organizations and individuals with capabilities in oceanological sciences.

3. Officers. It shall be the duty of the Governor to select a chairman, as set forth in section 864, subsection 1, and a vice-chairman from among the council members. The vice-chairman shall act as chairman in the chairman's absence.

4. Duties. It shall be the duty of the council to make a comprehensive investigation and study of all aspects of oceanological science in order to recommend an overall plan for an adequate state oceanographic program that will meet the present and future state and national needs. The council shall undertake a review of existing and planned oceanological science activities of the State in order to assess their adequacy in meeting the objectives set forth in this chapter, including but not limited to, the following:

A. Review the known and contemplated needs for natural resources from the oceanological environment to maintain our expanding state economy;

B. Review the surveys, applied research programs and ocean engineering projects required to obtain the needed resources from the oceanological environment;

C. Review the existing state research programs to insure realistic and adequate support for basic oceanographic research that will enhance human welfare and scientific knowledge;

D. Review the existing oceanological and ocean engineering programs, including education and technical training, to determine which programs are required to advance our state oceanographic competence and stature and which are not adequately supported;

E. Analyze the findings of the above reviews, including the economic factors involved, and recommend an adequate state oceanological science program that will meet the present and future state needs without unnecessary duplication of effort;

F. Recommend a governmental organizational plan with estimated cost.

5. Expenses. The council members shall receive no pay but shall be reimbursed for their necessary expense incurred on council work upon presentation of proper vouchers.

6. Duties of chairman. The chairman of the council shall be responsible for the assignment of duties and responsibilities among such personnel and their continuing supervision, and the use and expenditures of funds available for the assignment of duties and responsibilities among such personnel and by the general policies of the council with respect to the work to be accomplished by it and the timing thereof.

7. Information. The council is authorized to secure directly from any executive department, agency or independent instrumentality of the government any information it deems necessary to carry out its functions under this chapter. Each such department, agency and instrumentality is authorized to cooperate with the council and, to the extent permitted by law, to furnish such information to the council, upon request made by the chairman.

#### § 866. Reports

The Governor shall transmit to the Legislature in January of each legislative year a report, which shall include a comprehensive description of the activities, and the accomplishments of all agencies and departments of the State of Maine in the field of oceanological activities during the 2 preceding years, and an evaluation of such activities and accomplishments in terms of the objectives set forth pursuant to this chapter.

Reports made under this section shall contain such recommendations for legislation as the Governor may consider necessary or desirable for the attainment of the objectives of this chapter, and shall contain as estimate of funding requirements of each agency and department of the State of Maine for oceanological science activities during the succeeding fiscal year.

#### § 867. Definitions

For the purposes of this chapter the term "oceanological science" shall be deemed to apply to oceanographic and scientific endeavors and disciplines, and engineering and technology in and with relation to marine environment and the adjoining land environment and its complexes, and the term "oceanology" shall be deemed to include every activity which might affect any oceanographic resource, including air over the sea, surface water, living resources of the sea, the sea bed, land masses under the sea, all land-based activities affecting ocean activities, including both public and private investments therein.

For the purposes of this chapter the term "control" consists in developing unity, coordination and cooperation in the oceanographic field; the term "management" is deemed to imply the establishment of law and order in the oceanographic field; the term "development" applies to technology and the setting up of policies and guidelines in the field of oceanology; and the term "utilization" concern the scientific and academic field, markets, investment, labor and transportation in connection with the field of oceanology.

**Sec. 2. Appropriation.** There is appropriated from the General Fund to the Executive Department the sum of \$20,000 for the fiscal year ending June 30, 1968 and \$25,000 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act. The breakdown shall be as follows:

	1967-68	1968-69
EXECUTIVE DEPARTMENT		
Personal Services	(2) \$13,500	(2) \$14,000
All Other	5,000	10,500
Capital Expenditures	<b>1,500</b>	<b>500</b>
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	\$20,000	\$25,000