

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1723

H. P. 1211

House of Representatives, June 14, 1967

Reported by a Minority of the Committee on State Government. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Creating the Maine Ocean Science Agency.

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

MAINE OCEAN SCIENCE AGENCY

§ 861. Short title

This chapter may be cited as the "Maine Ocean Science Agency."

§ 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 Maine Ocean Science Agency Council

There is established, in the Executive Department, the Maine Ocean Science Agency Council, hereinafter in this chapter called the council, which shall be composed of:

1. **Membership.** A chairman and an executive director shall be appointed by the Governor.

An advisory council, composed of 20 or more members 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 complexes

Educational complexes
Economic field
Business community
Labor community
Investment field
Ocean medicine
Ocean engineering.

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

3. **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.

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

§ 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;

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;

H. Seek out, analyze and disseminate to interested parties information on all available sources of funds available to the State of Maine under this chapter. These sources shall include, but not be limited to, federal grants, foundation grants, private and industrial grants and matching funds of any nature;

I. Create an information center to collect, coordinate and disseminate information relative to this agency's purposes, both to citizens, and educational and scientific as well as business complexes within and without the State of Maine. To distribute out of state such information either by request from out-of-state parties or by express direction of the agency's executive director as will promote the purposes for which this agency was created; and

J.

(1) Whereas, Maine's oceanographic capabilities are scattered along the length of its seacoast; and whereas, a unified and enlightened development of these capabilities requires their coordination, a "Maine Marine Institute", whose administrative headquarters will be designated by its director, is created.

This institute shall be operated under the advice and counsel of the Maine Ocean Science Agency.

This institute shall be administered by a director and all necessary supporting staff.

The director shall be appointed by, and report directly to, the Governor.

(2) The institute is empowered to receive moneys from all sources including, but not limited to, the Federal Government, private industry and private foundations, and to distribute these moneys in accordance with the objectives of this chapter.

(3) The institute shall further be empowered to do all things necessary to accomplish the objectives of this chapter.

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 2 succeeding fiscal years.

§ 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 \$77,800 for the fiscal year ending June 30, 1968 and \$77,800 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	(4) \$52,400	(4)	\$52,400
All Other	22,700		22,700
Capital Expenditures	2,700		2,700
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Total	\$77,800		\$77,800