

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1457, L.D. 2031, Bill, "An Act to Establish the Wells Reserve Management Authority"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Establish the Wells National Estuarine Research Reserve Management Authority'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. Definitions. As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Authority. "Authority" means the Wells National Estuarine Research Reserve Management Authority.

2. Reserve. "Reserve" means the Wells National Estuarine Reserve, created in 1984 as part of the federal National Estuarine Research Reserve System authorized by the federal Coastal Zone Management Act.

3. Reserve Management Plan. "Reserve Management Plan" means the approved plan for managing the reserve authorized by 15 Code of Federal Regulations, Part 921.

Sec. 2. Authority created. The Wells National Estuarine Research Reserve Management Authority is established as an instrumentality of the State to support and promote the interests of the reserve.

The authority shall manage and sustain the coastal lands and other resources within the reserve, further coordination and cooperation among state agencies, the Town of Wells and the United States Fish and Wildlife Service, and the Laudholm Trust,

2 develop and implement programs for estuarine research and
education and provide public access and opportunities for public
4 enjoyment compatible with the protection of the reserve's natural
resources.

6 **Sec. 3. Duties of the authority.** The authority shall:

8 1. Ensure a natural environment for research through
long-term protection and management of estuarine areas and
10 resources;

12 2. Identify coastal management issues that can be addressed
through coordinated estuarine research within the national system
14 of which the reserve is a part;

16 3. Enhance public awareness and understanding of the
estuarine environment and provide suitable opportunities for
18 public education, interpretation and enjoyment of these resources;

20 4. Conduct and coordinate estuarine research within the
reserve, gathering and making available information necessary for
22 improved understanding and management of estuarine areas;

24 5. Establish, coordinate and implement research, education
and resource management projects;

26 6. Facilitate public recreational use of Laudholm Beach and
28 adjacent lands within the reserve; and

30 7. Establish and implement the Reserve Management Plan, and
update that plan every 5 years. The plan must be adopted in
32 accordance with the Maine Revised Statutes, the Maine
Administrative Procedure Act, Title 5, chapter 375.

34 **Sec. 4. Location of the reserve.** The reserve contains
36 approximately 1,600 acres in the Town of Wells and includes lands
between the Little River to the north and the Eldridge River to
38 the south. The boundary to the east parallels the shoreline,
excluding the shoreline development and to the west is bordered
40 by the coastal wetland margin. Specifically, the reserve
contains:

42 1. Lands in the Rachel Carson National Wildlife Refuge
44 managed by the United States Fish and Wildlife Service;

46 2. Land purchased or acquired for a state park managed by
the Bureau of Parks and Recreation;

48 3. Submerged tidal lands managed by the Bureau of Public
50 Lands;

52 4. Land purchased by the Town of Wells or the State; and

5. Land donated by the Town of Wells to the Department of Conservation as a conservation easement.

Sec. 5. Powers of the authority. The authority, in compliance with the Reserve Management Plan, is responsible for management of the reserve lands for which the authority holds a license, lease or other interest or lands that are under agreement with a cooperating agency. The authority has overall jurisdiction over the establishment and coordination of research education and resource management policies for the reserve.

The authority may exercise the following powers to manage the reserve, in accordance with its purposes, including, but not limited to:

1. Receiving and expending money, including money from any private or governmental source, for reserve operations, authority acquisitions, management, development and related projects. Expenditures by the authority must be consistent with and within the scope of an annual work plan and budget;

2. Establishing policies and work programs;

3. Hiring, managing and discharging staff;

4. Acquiring and selling or conveying real and personal property and interests therein;

5. Executing contracts and agreements with private and public entities as necessary;

6. Accommodating and providing services to the public and charging reasonable fees for these services and accommodations;

7. Adopting bylaws to administer the authority, including selection of officers, employment of staff, delegation of routine and administrative functions to the staff, establishment of committees and conducting other business of the authority;

8. Adopting rules for the protection of the reserve and its resources consistent with the Reserve Management Plan and for the protection and safety of the public;

9. Enforcing rules and other laws applicable to the reserve, including agreements providing for enforcement by local, state and federal law enforcement authorities;

10. Submitting an annual report to the Legislature describing the activities of the authority during the preceding year; and

2 11. Keeping books, records and accounts of the activities
of the authority that are open to the public in accordance with
4 the Maine Revised Statutes, Title 1, chapter 13.

6 **Sec. 6. Administration.** The administration of the authority
is as follows.

8
10 1. The authority is exempt from the budget requirements of
Title 5, chapter 149. Expenditures by the authority do not
require allocation by the Legislature.

12
14 2. Staff employed by the authority is not subject to the
civil service laws, as set out in Title 5, chapter 372.

16 3. Contracts and agreements entered into by the authority
are not subject to the provisions of Title 5, chapters 153 and
18 155.

20 4. All rules adopted by the authority must be in accordance
with the Maine Administrative Procedure Act, Title 5, chapter 375.

22
24 5. Within 120 days after the close of its fiscal year, the
authority shall provide a copy of its annual financial report
certified by an independent certified public accountant selected
26 by the authority to the Commissioner of Conservation, the
Director of the State Planning Office, the Treasurer of State,
28 the State Auditor and the Joint Standing Committee on Energy and
Natural Resources. The financial report must comply with federal
30 Office of Management and Budget requirements.

32 **Sec. 7. Board.** The authority is governed by a board of
directors composed of the following:

34
36 1. The Commissioner of Conservation, or the commissioner's
designee;

38 2. The Regional Director of Region 5 of the United States
Fish and Wildlife Service, or the Regional Director's designee;

40
42 3. A representative of the Town of Wells, as designated by
the town's board of selectmen;

44 4. A representative of the Laudholm Trust, as designated by
the board of trustees; and

46
48 5. A public member with an established reputation in the
field of marine or estuarine research, appointed by the Governor
for a term of 3 years.

50
52 In addition, the following members are ex officio nonvoting
members:

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2 A. The Director of the State Planning Office or the
director's designee; and

4 B. The Director of the Office of Ocean and Coastal
6 Resources Management, National Oceanic Atmospheric
Administration or the director's designee.

8 An employee of the authority or other person employed at the
10 reserve may not serve on the board of the authority. Board
members of the authority are not entitled to compensation by the
12 authority for expenses.

14 **Sec. 8. Meetings.** The authority shall meet quarterly and at
any other times necessary.

16 **Sec. 9. Violations.** A violation of the rules of the reserve is
18 a Class E crime.

20 **Sec. 10. Federal navigational project.** The creation of the
22 authority is not to be construed as legislative support for or
opposition to the use and maintenance of the federal navigational
project in Wells harbor.

24 **FISCAL NOTE**

26 Enactment of this bill establishes an authority that is not
28 a state agency. Therefore, this bill does not have financial
implications on State Government for the biennium.'

30 **STATEMENT OF FACT**

32 This amendment establishes the Wells National Estuarine
34 Research Reserve Management Authority as an instrumentality of
36 the State. This amendment sets forth the duties and purpose of
the authority and describes the administration of the authority.
38

Reported by the Committee on Energy and Natural Resources
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