

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1589, L.D. 2201, Bill, "An Act to Create the Maine Coast Environmental Trust Fund"

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. 5 MRSA §13127, first ¶, as enacted by PL 1989, c. 529, §2, is amended to read:

The Marine Research Board, as established in chapter 379, referred to in this section and sections 13128 and 13129 chapter as "the board," shall carry out the purposes of this chapter.

Sec. 2. 5 MRSA §13127, sub-§§2, 4 and 6, as enacted by PL 1989, c. 529, §2, are amended to read:

2. **Composition.** The board shall ~~be~~ is composed of ~~13~~ 15 members. The membership shall ~~include~~ includes one representative of the University of Maine System, one representative of the Association for Research in the Gulf of Maine, ~~one~~ 2 representatives of nonprofit environmental organizations, one representative of independent higher education institutions, 2 representatives of the scientific community, and 2 representatives of marine resource industries and one public member. The Commissioner of Environmental Protection, ~~the Commissioner of Conservation~~ Director of the Maine Geological Survey, the Commissioner of Marine Resources, the Director of the State Planning Office and the director of the sea grant college program shall serve as ex officio members. The ex officio members may appoint designees to fulfill their duties under this chapter.

4. **Terms.** Appointed board members shall serve for 3-year terms. Initial terms of appointment shall ~~be~~ are: ~~2~~ 3 members for one-year terms; 3 members for 2-year terms; and ~~3~~ 4 members for 3-year terms. Board members may serve no more than 2 consecutive terms.

2 6. **Quorum.** A quorum consists of 7 8 members. A quorum
3 shall-be is necessary for the board to conduct its business at
4 any board meeting.

6 **Sec. 3. 5 MRSA §13128, sub-§1,** as enacted by PL 1989, c. 529,
7 §2, is amended to read:

8
9 1. **Research priorities statement.** The board shall develop
10 a biennial priority statement and action plan of marine research
11 needs in of this State. The statement shall must be submitted to
12 the Governor and the Legislature no later than January 1st of
13 each even-numbered year, except that the first statement shall
14 must be prepared by ~~July 1, 1990~~ January 1, 1991. The purpose of
15 the statement and plan shall is to guide funding decisions
16 recommendations and activities of the board. The board shall
17 hold public hearings to gain insight into research needs for the
18 State.

20 **Sec. 4. 5 MRSA §13129, first ¶,** as enacted by PL 1989, c. 529,
21 §2, is amended to read:

22
23 The board may develop and administer a competitive,
24 merit-based grant program to address marine research needs for
25 the State as set forth in section 13127, subsection 1. In
26 addition, the board shall make funding recommendations to the
27 commission for any research money available in the Maine Coast
28 Environmental Trust Fund. Operation of the program and awards of
29 grants under this program are subject to available funding.

30 **Sec. 5. 5 MRSA §13129, sub-§3,** as enacted by PL 1989, c. 529,
31 §2, is amended to read:

32
33 3. **Grant decisions.** The Upon recommendation of the board,
34 the commission shall make the final decision for awarding grants
35 under this program. The board shall make competitive evaluations
36 and may make recommendations to the commission for the award of
37 grants that conform to the granting criteria and specified
38 pursuant to this chapter that are consistent with the research
39 priorities statement and action plan developed under section
40 13128.

42 **Sec. 6. 5 MRSA §13130** is enacted to read:

44 **§13130. Maine Coast Environmental Trust Fund**

46 1. Creation of trust fund. There is established the Maine
47 Coast Environmental Trust Fund. As used in this section, the
48 term "trust" means the Maine Coast Environmental Trust Fund.

50 2. Purpose of the trust. The purpose of the trust is to
51 protect and improve the quality of the State's marine environment

2 by providing grants to qualifying organizations for activities to
3 advance scientific research concerning the nature, magnitude and
4 effect of pollution of the State's estuarine, near-shore and
5 off-shore marine environments and the means to abate pollution or
6 preserve and enhance estuarine, near-shore and off-shore marine
7 habitats.

8 3. Sources for trust. Money obtained from the following
9 sources must be paid to the Treasurer of State for the benefit of
10 the trust:

11 A. Gifts, bequests and donations to the trust from private
12 individuals or corporations desiring to protect and improve
13 the marine environment through applied research;

14 B. Grants to the trust from private or public foundations
15 desiring to protect and improve the marine environment
16 through applied and basic research;

17 C. Any funds appropriated by the State;

18 D. Funds stipulated for deposit in the trust as part of the
19 terms of settlement of legal actions against corporations,
20 partnerships or individuals for violations of environmental
21 laws, rules or regulations;

22 E. Funds for research received under any federal oil spill
23 trust fund;

24 F. Revenues that may be from time to time realized through
25 public bond issues; and

26 G. Federal grants and loans.

27 4. Use and administration of trust. Trust funds must be
28 used to provide grants to meet the purposes of this section.
29 Administration of the awards is pursuant to section 13129. In
30 addition, the commission shall administer the trust as follows.

31 A. Unless otherwise specified by the source of a
32 contribution to the trust, 50% of a contribution to the
33 trust must be deposited in a principal account and
34 maintained as a permanent endowment. The income earned on
35 funds held in this account, combined with the remaining 50%
36 of funds contributed to the trust, must be deposited in an
37 operating account and made available for disbursement as
38 grants to accomplish the purposes of this section and as
39 expenditures for purposes of administering the trust.

40 B. An executive agency is not eligible to receive funding
41 from the trust unless the agency jointly undertakes a

2 research proposal with another entity that is not an
3 executive agency.

4 C. The commission shall give preference to institutions,
5 organizations or entities located and operated in the State.

6 D. Principal, or interest earned from principal, with
7 special instructions from contributors must be awarded in
8 accordance with the contributors' instructions.

9 E. All money in the trust not immediately required for
10 payment, pursuant to the provisions of this chapter, must be
11 invested by the Treasurer of State as authorized by section
12 138, except that the securities in which the trust money is
13 invested must remain part of the trust until exchanged for
14 other securities and the income from all investments must
15 remain a part of the trust unless prohibited by federal law.

16 5. Report, amendment and termination of trust. The board
17 shall file a report as follows.

18 A. The board shall report to the Legislature on a biennial
19 basis concerning the activities of the trust. The report
20 may be submitted as part of the research priorities
21 statement required pursuant to section 13128, subsection 1.

22 B. In the event the board determines that the provisions of
23 the trust should be amended, the board shall make
24 appropriate recommendations to the Legislature in its
25 biennial report.

26 C. The board may recommend in its biennial report that the
27 trust be terminated if termination is determined to be
28 appropriate by unanimous vote of the board. In the event
29 that the Legislature terminates the trust, the principal and
30 operating funds are disbursed in a manner consistent with
31 the purpose of the trust.

40 FISCAL NOTE

41 The Maine Science and Technology Commission will be able to
42 absorb the cost of 2 new members on the Marine Research Board
43 within the commission's existing resources. This bill also
44 establishes the Maine Coast Environmental Trust Fund with no
45 General Fund appropriations or other funding expected or budgeted
46 for the remainder of the 1990-91 biennium. Future additional
47 General Fund appropriations may be required to implement the
48 proposed grants program.'

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STATEMENT OF FACT

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6 This amendment replaces the original bill to incorporate the
administration of the Maine Coast Environmental Trust Fund into
8 the duties of the Marine Research Board. To effect this change,
the board is expanded to include an additional representative of
10 an environmental organization and a public member. A reporting
deadline for the Marine Research Board is delayed. In awarding
12 grants under the marine research grants program, oversight of the
board by the Maine Science and Technology Commission is added to
14 avoid potential conflict-of-interest situations.

14

16 The administration of the Maine Coast Environmental Trust
Fund is folded into the existing Marine Research Board under the
18 Maine Science and Technology Commission. A purpose statement is
added to the language establishing the trust. A provision in the
original bill for a percentage of environmental penalties to go
20 into the trust is removed. Executive agencies are eligible for
grants from the fund if they are undertaking a research proposal
22 with another entity that is not an executive agency.

Reported by the Committee on Energy and Natural Resources
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House
2/21/90 (Filing No. H-811)