

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2201

H.P. 1589

House of Representatives, January 18, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

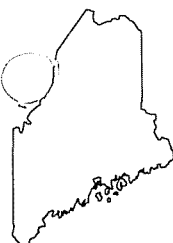
Presented by Representative ADAMS of Portland.

Cosponsored by Speaker MARTIN of Eagle Lake, Representative WEBSTER of Cape Elizabeth and Senator PERKINS of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Create the Maine Coast Environmental Trust Fund.



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

38 MRSA c. 22 is enacted to read:

CHAPTER 22

MAINE COAST ENVIRONMENTAL TRUST FUND

§1951. Maine Coast Environmental Trust Fund

1. Creation of trust fund. There is created and established the Maine Coast Environmental Trust Fund. As used in this chapter, the term "trust" means the Maine Coast Environmental Trust Fund.

2. Sources for trust. Money obtained from the following sources must be paid to the Treasurer of State for the benefit of the trust:

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

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

C. Eighty percent of any fines and penalties assessed and collected by the State against public agencies, corporations, partnerships or individuals for violations of environmental laws or regulations pertaining to the use of or discharge into Maine's riverine, estuarine and marine ecosystems;

D. Funds stipulated for deposit in the trust as part of the terms of settlement of legal actions against public agencies, corporations, partnerships or individuals for violations of environmental laws or regulations;

E. Funds for research pursuant to the federal Oil Spill Liability Trust Fund;

F. Revenues that may be from time to time realized through public bonding; and

G. Federal grants and loans.

3. Administration of the trust. The trust is administered as follows.

A. The trust is administered by the Marine Research Board and 4 additional members. The membership of the trust

2 board shall include one representative from the scientific
4 community, one representative from the marine resource
6 industry, 2 representatives from 2 different nonprofit
8 environmental organizations and the 13 members of the Marine
10 Research Board. A quorum consists of 9 members, which shall
12 include 7 appointed members. The board is responsible for
14 overseeing the management and use of the trust. The
16 appointments, terms, compensation, rules and staff are
18 governed by Title 5, section 13127, subsections 3, 4, 5, 7
20 and 8.

22 B. Unless otherwise specified by the source of a
24 contribution to the trust, 50% of a contribution to the
26 trust must be deposited in a principal account and
28 maintained as a permanent endowment. The income earned on
30 funds held in this account, combined with the remaining 50%
32 of funds contributed to the trust, must be deposited in an
34 operating account and made available for disbursement as
36 grants to accomplish the purposes of this legislation and as
38 expenditures for purposes of administering the trust.

40 C. The following organizations are qualified to receive
42 grants from the trust:

44 (1) Public and private institutions of higher learning;

46 (2) Nonprofit environmental organizations; and

48 (3) Nonprofit scientific organizations.

50 Preference must be given to organizations located and
52 operated in the State.

54 D. For each funding period, funds available for award must
56 be segregated and allocated as follows.

58 (1) Principal, or interest earned from principal, with
60 special instructions from contributors must be awarded
62 in accordance with their instructions.

64 (2) Principal, or interest earned from principal,
66 resulting from fines and penalties assessed and
68 collected by the State or citizen lawsuits against
70 public agencies, corporations, partnerships or
72 individuals for violation of environmental laws or
74 regulations pertaining to the use of or discharge into
76 the State's riverine, estuarine and marine ecosystems,
78 must be awarded with preference for research or habitat
80 improvement first in the bioregion of the pollution
82 source and then in other bioregions.

2 Preferential allocation of funds will be subject to
4 determination by the board that proposals submitted are
6 of sufficient quality, purpose and scope to justify
8 regional use of the funds. Otherwise, funds may be
10 allocated to proposals solely on the basis of proposal
12 quality and demonstrated ability to implement the
14 proposal.

16 (3) All other funds may be awarded according to the
18 discretion of the board in accordance with the purpose
20 of the trust, which is to protect and improve the
22 quality of the State's marine environment by providing
24 grants to qualifying organizations for activities that
26 will advance applied scientific research concerning the
28 nature, magnitude and effect of pollution of the
30 State's estuarine and near-shore marine environment and
32 the means to abate pollution or to preserve and enhance
34 estuarine and near-shore marine habitats.

36 E. In carrying out the award of grants, the board shall:

38 (1) Prepare and approve criteria, a procedure, format
40 and schedule for grant applications and review;

42 (2) Assure widespread awareness among potential
44 grantees of the availability of grant funds and
46 procedures by which grant applications are accepted and
48 reviewed;

50 (3) Require that grant proposals be submitted in
52 writing and provide a clear and adequate description of
54 the objectives and schedule of activities and the uses
56 to which grant funds would be applied;

58 (4) Require that each grantee enter into reasonable
60 assurances regarding the application and accounting of
62 grant funds received;

64 (5) Determine a reasonable process and schedule for
66 disbursement of funds; and

68 (6) Conduct a periodic progress review of projects in
70 progress.

72 Only the board may determine the size and form of grant
74 amounts.

76 F. All money in the trust not immediately required for
78 payment, pursuant to the provisions of this chapter, must be
80 invested by the Treasurer of State as authorized by Title 5,
82 section 138, except that the securities in which the trust
84 money is invested must remain part of the trust until

2 changed for other securities and the income from all
3 investments must remain a part of the trust unless
4 prohibited by federal law.

5 4. Report, amendment and revocation of the trust. The
6 board shall file a report, and may amend or revoke the trust as
7 follows.

8 A. The board shall report to the Legislature on a biennial
9 basis concerning the activities of the trust.

10 B. In the event the board determines that the provisions of
11 the trust should be amended, the board shall make
12 appropriate recommendations to the Legislature in its
13 biennial report.

14 C. The board may recommend that the trust be revoked in its
15 biennial report if revocation is determined to be
16 appropriate by unanimous vote of the board. In the event
17 that the Legislature revokes the trust, the trust will be
18 terminated and principal and operating funds will be
19 disbursed in a manner consistent with the purpose of the
20 trust.

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STATEMENT OF FACT

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28 This bill creates the Maine Coast Environmental Trust Fund.
29 The trust fund will be administered by an independent board which
30 will receive funds from a variety of sources, including gifts,
31 foundation grants and environmental fines. These funds will be
32 used to make grants to public and nonprofit agencies to advance
33 environmental protection efforts through applied scientific
34 research concerning the nature, magnitude and effects of
35 pollution of the State's estuarine and near-shore marine
36 environments and the means to abate pollution or to preserve and
enhance estuarine and near-shore marine habitats.