

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

---

Legislative Document

No. 1234

---

H.P. 852

House of Representatives, March 10, 2005

### **An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources**

---

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative KAELIN of Winterport.  
Cosponsored by Senator WESTON of Waldo and  
Representatives: DUGAY of Cherryfield, FISHER of Brewer, FLETCHER of Winslow,  
LERMAN of Augusta, LINDELL of Frankfort, NUTTING of Oakland, PERCY of Phippsburg,  
Senator: DAMON of Hancock.

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

4 **Sec. 1. 12 MRSA §6136** is enacted to read:

6 **§6136. Maine Coast Environmental Trust Fund**

8 **1. Creation of trust fund.** There is established the Maine Coast Environmental Trust Fund, referred to in this section as "the trust."

10  
12 **2. Purpose of trust.** The purpose of the trust is to protect and improve the quality of the State's marine environment by providing grants to qualifying organizations for activities to advance scientific research concerning the nature, magnitude and effect of pollution of the State's estuarine, near-shore and off-shore marine environments and the means to abate pollution or preserve and enhance estuarine, near-shore and off-shore marine habitats.

14  
16  
18  
20 **3. Sources for trust.** Money obtained from the following sources must be paid to the Treasurer of State for the benefit of the trust:

22  
24 **A. Gifts, bequests and donations to the trust from private individuals or corporations desiring to protect and improve the marine environment through applied research;**

26  
28 **B. Grants to the trust from private or public foundations desiring to protect and improve the marine environment through applied and basic research;**

30  
32 **C. Funds stipulated for deposit in the trust as part of the terms of settlement of legal actions against corporations, partnerships or individuals for violations of environmental laws, rules or regulations;**

34  
36  
38 **D. Funds for research received under any federal oil spill trust fund;**

40 **E. Revenues that may be from time to time realized through public bond issues; and**

42 **F. Federal grants and loans.**

44  
46 **4. Use and administration of trust.** Trust funds must be used to provide grants to meet the purposes of this section. The department shall administer the trust as follows.

48  
50 **A. Unless otherwise specified by the source of a contribution to the trust, 50% of a contribution to the**

2 trust must be deposited in a principal account and  
3 maintained as a permanent endowment. The income earned on  
4 funds held in this account, combined with the remaining 50%  
5 of funds contributed to the trust, must be deposited in an  
6 operating account and made available for disbursement as  
7 grants to accomplish the purposes of this section and as  
8 expenditures for purposes of administering the trust.

9  
10 B. An executive agency is not eligible to receive funding  
11 from the trust unless the agency jointly undertakes a  
12 research proposal with another entity that is not an  
13 executive agency.

14 C. The department shall give preference to institutions,  
15 organizations and entities located and operated in the State.

16  
17 D. Principal, or interest earned from principal, with  
18 special instructions from contributors must be awarded in  
19 accordance with the contributors' instructions.

20  
21 E. All money in the trust not immediately required for  
22 payment, pursuant to the provisions of this section, must be  
23 invested by the Treasurer of State as authorized by Title 5,  
24 section 138, except that the securities in which the trust  
25 money is invested must remain part of the trust until  
26 exchanged for other securities and the income from all  
27 investments must remain a part of the trust unless  
28 prohibited by federal law.

29  
30 5. Report, amendment and termination of trust. The  
31 department shall file a report as follows.

32  
33 A. The department shall report to the Legislature on a  
34 biennial basis concerning the activities of the trust.

35  
36 B. In the event the department determines that the  
37 provisions of the trust should be amended, the department  
38 shall make appropriate recommendations to the Legislature in  
39 its biennial report.

40  
41 C. The department may recommend in its biennial report that  
42 the trust be terminated if termination is determined to be  
43 appropriate. In the event that the Legislature terminates  
44 the trust, the principal and operating funds must be  
45 disbursed in a manner consistent with the purpose of the  
46 trust.

47  
48 **Sec. 2. Development of competitive grant program; report.** The  
49 Department of Marine Resources shall develop a competitive grant  
50 program, including qualifications and application procedures,

2 for the improvement and protection of the State's marine  
environment pursuant to the Maine Revised Statutes, Title 12,  
4 section 6136. The department shall report by January 15, 2006 to  
the Second Regular Session of the 122nd Legislature with its  
6 recommendations and any necessary implementing legislation.

8 **Sec. 3. Appropriations and allocations.** The following  
appropriations and allocations are made.

10 **MARINE RESOURCES, DEPARTMENT OF**

12 **Maine Coast Environmental Trust Fund**

14 Initiative: Provides funds to reestablish a competitive grant  
program and to restore the clam flats in Stockton Harbor.

16	<b>GENERAL FUND</b>	<b>2005-06</b>	<b>2006-07</b>
18	All Other	\$52,300	\$0
20	<b>GENERAL FUND TOTAL</b>	<u>\$52,300</u>	<u>\$0</u>

22

**SUMMARY**

24

26 This bill reestablishes the Maine Coast Environmental Trust  
Fund in the Department of Marine Resources. The purpose of the  
28 trust fund is to protect and improve the quality of the State's  
marine environment by providing grants to qualifying  
30 organizations. This bill requires the department to develop a  
competitive grant program, including qualifications and  
32 application procedures, and report back to the Second Regular  
Session of the 122nd Legislature with the department's  
recommendations.

34

36 The bill also appropriates start-up funds to the trust fund  
and funds to be used to restore the clam flats in Stockton Harbor.