

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 493

H.P. 332

House of Representatives, February 24, 2015

An Act To Create the Ocean Acidification Council

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DEVIN of Newcastle.
Cosponsored by Senator JOHNSON of Lincoln and
Representatives: KUMIEGA of Deer Isle, WELSH of Rockport, Senator: LANGLEY of
Hancock.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§57-H** is enacted to read:

3 **57-H.**

4 Marine Resources Ocean Acidification Legislative Per 38 MRSA c. 33
5 Council Diem and Expenses

6 This subsection is repealed December 31, 2018.

7 **Sec. 2. 38 MRSA c. 33** is enacted to read:

8 **CHAPTER 33**

9 **THE OCEAN ACIDIFICATION COUNCIL**

10 **§3301. The Ocean Acidification Council**

11 **1. Establishment and purpose.** The Ocean Acidification Council, referred to in this
12 section as "the council," established by Title 5, section 12004-I, subsection 57-H, is
13 created to identify, study, prevent, remediate and mitigate the direct and indirect effects
14 of coastal and ocean acidification on species that are commercially harvested and grown
15 in the State's coastal and ocean environments.

16 **2. Membership.** The council consists of the following 16 members:

17 A. Two members of the Senate appointed by the President of the Senate, including
18 one member from each of the 2 parties holding the largest number of seats in the
19 Legislature;

20 B. Three members of the House of Representatives appointed by the Speaker of the
21 House, including at least one member from each of the 2 parties holding the largest
22 number of seats in the Legislature;

23 C. Eight members appointed by the Commissioner of Marine Resources, including:

24 (1) Two representatives of an environmental or community group or one from
25 each type of organization;

26 (2) Three persons who fish commercially, including at least one aquaculturist;
27 and

28 (3) Three scientists who have studied coastal or ocean acidification; and

29 D. Three members as follows:

30 (1) The Commissioner of Marine Resources or the commissioner's designee;

31 (2) The Commissioner of Environmental Protection or the commissioner's
32 designee; and

33 (3) The Commissioner of Agriculture, Conservation and Forestry or the
34 commissioner's designee.

1 **3. Chairs.** The first-named Senate member is the Senate chair and the first-named
2 House of Representatives member is the House chair.

3 **4. Staff assistance.** Within the limits of its budget, the council is authorized to
4 contract with and employ staff members to assist the council in carrying out its duties. In
5 the event funding does not permit adequate staff support, the Department of Marine
6 Resources and the Department of Environmental Protection shall provide staff support
7 within the departments' existing resources.

8 **5. Quorum.** For purposes of holding a meeting, a quorum is 7 members. A quorum
9 must be present to start a meeting or to vote but not to continue or adjourn a meeting.

10 **6. Terms; vacancies.** Members of the council serve for a term of 2 years and may
11 be reappointed. A vacancy must be filled in the same manner as the original
12 appointment. Members may continue to serve until their replacements are designated. A
13 member may designate an alternate to serve on a temporary basis.

14 **7. Consultation.** Whenever the council considers it appropriate, the council may
15 seek the advice of experts in fields related to its duties.

16 **8. Powers and duties.** The council:

17 **A. Shall meet at least twice annually;**

18 **B. Shall review, study and analyze existing scientific literature and data on coastal**
19 **and ocean acidification and how it has directly or indirectly affected or may**
20 **potentially affect commercially harvested and grown species along the coast of the**
21 **State;**

22 **C. Shall identify critical scientific data and knowledge gaps pertaining to coastal and**
23 **ocean acidification as well as critical scientific data and knowledge gaps pertaining to**
24 **the effects of coastal and ocean acidification on species that are commercially**
25 **harvested and grown along the coast of the State;**

26 **D. Shall include in its review of the relevant scientific literature and data the results**
27 **of studies presented at conferences or workshops related to coastal and ocean**
28 **acidification;**

29 **E. Shall identify and monitor the factors contributing to coastal and ocean**
30 **acidification;**

31 **F. Shall work to strengthen existing scientific monitoring, research and analysis**
32 **regarding the causes of and trends in coastal and ocean acidification;**

33 **G. Shall identify methods and protocols to mitigate coastal and ocean acidification;**

34 **H. Shall work to increase public awareness of coastal and ocean acidification;**

35 **I. Shall work to implement the recommendations contained in the December 2014**
36 **report of the Commission To Study the Effects of Coastal and Ocean Acidification**
37 **and Its Existing and Potential Effects on Species That Are Commercially Harvested**
38 **and Grown Along the Maine Coast authorized by Resolve 2013, chapter 110;**

1 J. When appropriate, may consult and advise State agencies, the Legislature, Maine's
2 congressional delegation, the Governor and federal entities on matters regarding
3 coastal and ocean acidification;

4 K. May assist the Legislature and the Governor on pending legislation related to
5 coastal and ocean acidification, including, but not limited to, by providing testimony
6 at a public hearing on legislation before a joint standing committee of the Legislature;

7 L. May examine existing laws pertaining to coastal and ocean acidification;

8 M. Shall identify and promote economic development opportunities afforded by
9 ocean acidification through development and commercialization of new technologies
10 and businesses;

11 N. May recommend or submit to the Legislature legislation relating to coastal and
12 ocean acidification matters; and

13 O. May hold public hearings to receive testimony and recommendations from the
14 members of the public and qualified experts on matters related to coastal and ocean
15 acidification.

16 **9. Report.** The council shall submit an annual report of its activities to the
17 Governor, the joint standing committee of the Legislature having jurisdiction over marine
18 resources matters and the joint standing committee of the Legislature having jurisdiction
19 over environmental protection matters. The council shall post the report on a publicly
20 accessible website maintained by the State.

21 **10. Reimbursement of expenses.** The members of the council are compensated
22 according to the provisions of Title 5, section 12004-I, subsection 57-H.

23 **11. Accounting; outside funding.** All funds appropriated, allocated or otherwise
24 provided to the council must be deposited in an account separate from all other funds of
25 the Legislature and are nonlapsing. Funds in the account may be used only for the
26 purposes of the council. The council may seek and accept outside funding and is
27 authorized on behalf of the State to accept federal funds to fulfill council duties. Prompt
28 notice of solicitation and acceptance of funds must be sent to the Legislative Council. All
29 funds accepted must be forwarded to the Executive Director of the Legislative Council,
30 along with an accounting that includes the amount received, the date that amount was
31 received, from whom that amount was received, the purpose of the donation and any
32 limitation on use of the funds. The executive director shall administer all funds received
33 in accordance with this subsection. At the beginning of each fiscal year, and at any other
34 time at the request of the cochairs of the council, the executive director shall provide to
35 the council an accounting of all funds available to the council, including funds available
36 for staff support.

37 **§3302. Repeal**

38 This chapter is repealed December 31, 2018.

1 **SUMMARY**

2 This bill establishes the Ocean Acidification Council to identify, study, prevent,
3 remediate and mitigate the direct and indirect effects of coastal and ocean acidification on
4 species that are commercially harvested and grown in the State's coastal and ocean
5 environments.

6 It provides for 16 council members, including 2 members of the Senate, 3 members
7 of the House of Representatives, 2 representatives of an environmental or community
8 group, 3 persons who fish commercially, including at least one aquaculturist, 3 scientists
9 and the Commissioner of Marine Resources, the Commissioner of Environmental
10 Protection and the Commissioner of Agriculture, Conservation and Forestry or those
11 commissioners' designees.

12 The powers and duties of the council include, but are not limited to, the following:

13 1. Reviewing, analyzing and studying the existing scientific literature and data on
14 coastal and ocean acidification and how it has directly or indirectly affected or may
15 potentially affect commercially harvested and grown species along the coast of the State;

16 2. Identifying and monitoring the factors contributing to coastal and ocean
17 acidification and identifying methods to mitigate acidification;

18 3. Working to implement the recommendations contained in the December 2014
19 report of the Commission To Study the Effects of Coastal and Ocean Acidification and Its
20 Existing and Potential Effects on Species That Are Commercially Harvested and Grown
21 Along the Maine Coast established by Resolve 2013, chapter 110;

22 4. Advising state agencies, the Legislature, Maine's congressional delegation, the
23 Governor and federal entities on matters of coastal and ocean acidification;

24 5. Assisting the Legislature and the Governor with pending legislation related to
25 coastal and ocean acidification including giving testimony at a public hearing on
26 legislation before a joint standing committee of the Legislature;

27 6. Identifying and promoting economic development opportunities afforded by ocean
28 acidification through development and commercialization of new technologies and
29 businesses;

30 7. Recommending or submitting legislation to the Legislature relating to coastal and
31 ocean acidification matters; and

32 8. Holding public hearings to receive testimony and recommendations from
33 members of the public and qualified experts on matters related to coastal and ocean
34 acidification.

35 This bill also requires the council to submit an annual report to the Legislature and
36 authorizes the council to accept funding from outside sources and contains a provision
37 repealing the laws establishing the council December 31, 2018.