

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1211

H.P. 886

House of Representatives, March 24, 2021

**Resolve, To Create the Study Group To Research Balancing
Development and Conservation in Maine's Coastal Waters and
Submerged Lands**

(EMERGENCY)

Received by the Clerk of the House on March 22, 2021. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WILLIAMS of Bar Harbor.
Cosponsored by Senator CARNEY of Cumberland and
Representatives: FAULKINGHAM of Winter Harbor, PEBWORTH of Blue Hill, PLUECKER
of Warren, WARREN of Scarborough, Senators: CHIPMAN of Cumberland, MIRAMANT of
Knox.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation establishes the Study Group To Research Balancing
4 Development and Conservation in Maine's Coastal Waters and Submerged Lands to
5 address current deficiencies in regulation; and

6 **Whereas,** the study must be initiated before the 90-day period expires in order that
7 the study may be completed and a report submitted in time for submission to the next
8 legislative session; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore, be it

13 **Sec. 1. Study group established. Resolved:** That the Study Group To Research
14 Balancing Development and Conservation in Maine's Coastal Waters and Submerged
15 Lands, referred to in this resolve as "the study group," is established.

16 **Sec. 2. Study group membership. Resolved:** That, notwithstanding Joint Rule
17 353, the study group consists of 25 members appointed as follows:

18 1. Two members of the Senate who represent coastal legislative districts, appointed by
19 the President of the Senate;

20 2. Three members of the House of Representatives who represent coastal legislative
21 districts, appointed by the Speaker of the House;

22 3. Three members representing marine harvesters, including harvesters of lobster and
23 other shellfish, finfish, rockweed and seaweed, appointed by the President of the Senate;

24 4. Five members who are representatives of bay municipalities, one from a
25 municipality located on each of Casco Bay, Penobscot Bay, Blue Hill Bay, Frenchman Bay
26 and Cobscook Bay, appointed by the President of the Senate;

27 5. One member who is a representative of the Maine coastal program of the
28 Department of Marine Resources, appointed by the President of the Senate;

29 6. Three members who are representatives of marine industries, including shipbuilders,
30 tour boat operators and marinas, appointed by the Speaker of the House;

31 7. Five members who are representatives of Maine coastal waters conservation
32 organizations, including an organization promoting the conservation of Frenchman Bay,
33 appointed by the Speaker of the House;

34 8. Two members who are representatives of coastal-related research organizations,
35 appointed by the Speaker of the House; and

36 9. One member who is a representative of Acadia National Park, appointed by the
37 Speaker of the House.

38 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
39 and the first-named House of Representatives member is the House chair of the study
40 group.

1 **Sec. 4. Appointments; convening of study group. Resolved:** That all
2 appointments must be made no later than 30 days following the effective date of this
3 resolve. The appointing authorities shall notify the Executive Director of the Legislative
4 Council once all appointments have been completed. After appointment of all members,
5 the chairs shall call and convene the first meeting of the study group. If 30 days or more
6 after the effective date of this resolve a majority of but not all appointments have been
7 made, the chairs may request authority and the Legislative Council may grant authority for
8 the study group to meet and conduct its business.

9 **Sec. 5. Duties. Resolved:** That the study group shall:

10 1. Review existing shoreland zone and coastal waters legislation in the laws of other
11 states, including California and Rhode Island, with a focus on roles and responsibilities of
12 various state units and delegation of central versus regional authority;

13 2. Review current state law, including laws governing coastal and lake watershed
14 districts, river corridor commissions, mandatory shoreland zoning and the Maine Coastal
15 Program of the Department of Marine Resources;

16 3. Research and review case histories of failures of the current coastal waters and
17 submerged land management system;

18 4. Review various models for local representation, participation and empowerment in
19 regional planning and watchdog authority in coordination with already established state
20 entities;

21 5. Suggest and recommend solutions to current coastal waters and submerged land
22 management deficiencies;

23 6. Consider amending current laws versus enacting new laws;

24 7. Consider mandating the creation of regional units functioning in individual bay
25 areas that are composed of municipally elected representatives of the surrounding
26 communities and expert advisor consultants. A regional unit created pursuant to this
27 section must have regional planning and watchdog authority with designated powers of
28 enforcement, must be tasked with regional comprehensive planning for the coastal waters
29 and submerged lands based on a mandated state model and must provide a forum and
30 process for conflict resolution; and

31 8. Propose suggested legislation.

32 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
33 necessary staffing services to the study group, except that the Legislative Council staff
34 support is not authorized when the Legislature is in regular or special session.

35 **Sec. 7. Report. Resolved:** That, no later than December 1, 2021, the study group
36 shall submit a report that includes its findings and recommendations, including suggested
37 legislation, for presentation to the Second Regular Session of the 130th Legislature.

38 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
39 takes effect when approved.

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SUMMARY

This resolve establishes the Study Group To Research Balancing Development and Conservation in Maine's Coastal Waters and Submerged Lands to address current system deficiencies in the regulation of the State's coastal waters and submerged lands.