

MAINE STATE LEGISLATURE

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N I N E T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 1029

H. P. 724

House of Representatives, March 3, 1959

Referred to Committee on Natural Resources. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Saunders of Bethel.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Providing for Northeastern Water and Related Land Resources Compact.

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

Sec. 1. R. S., c. 79-B, additional. The Revised Statutes are amended by adding thereto a new chapter 79-B, to read as follows:

'Chapter 79-B.

Northeastern Water and Related Land Resources Compact.

Sec. 1. Northeastern Water and Related Land Resources Compact.

Article I.

Findings.

The northeastern part of the United States is by virtue of geographic location and other characteristics a great natural resource area which, with more intense use of natural resources, increasingly requires coordinated planning as a basic ingredient of effective resource management and orderly growth of the region. The work of the New England-New York Interagency Committee demonstrated that a continuation and furtherance of activities such as those undertaken by it would be of great value. To this end, it is the intent of this compact to establish and provide for the operation of a joint agency for the northeast.

Article II.

Purpose.

It is the purpose of this compact to provide, in the northeastern region, improved facilities and procedures for the coordination of the policies, programs and activities of the several states, and private persons or entities, in the field of water and related land resources, and to study, investigate and plan the development and use of the same and conservation of such water and related land resources; to provide means by which conflicts may be resolved; and to provide procedures for coordination of the interests of all public and private agencies, persons and entities in the field of water and related land resources; and to provide an organization for cooperation in such coordination on both the federal and state levels of government.

Article III.

Creation of Commission.

There is hereby created the Northeastern Resources Commission, hereinafter in this chapter called the commission.

Article IV.

Membership.

The commission shall consist of one member from each party state to be appointed by the Governor and to serve, in accordance with and subject to the laws of the state which he represents, and 7 members representing departments or agencies of the United States having principal responsibilities for water and related land resources development to be appointed and to serve in such manner as may be provided by the laws of the United States.

Article V.

Functions.

It shall be the responsibility of the commission to recommend to the states and the United States, or any intergovernmental agency, changes in law or policy which would promote coordination, or resolution of problems, in the field of water and related land resources. The efforts of the commission in coordination of work and resolution of conflicts may be directed towards all state and federal activities involved in water and related land resources development responsibilities and shall include coordination of the following:

- I. Collection and interpretation of basic data;
- II. Investigation and planning of water and related land resources projects;
- III. Programming, including scheduling, of water and related land resources construction and development.
- IV. Encouraging of the referral of plans or proposals for resources projects to the commission.

The commission shall use qualified public and private agencies to make investigations and conduct research in the field of water and related land resources, but if it is unable to secure the undertaking of such investigations or original research by a qualified public or private agency, it shall have the power to make its own investigations and conduct its own research. The commission may make contracts with any public or private agencies or private persons or entities for the undertaking of such investigations, or original research within its purview.

Article VI.

Voting.

No action of the commission respecting the internal management thereof shall be binding unless taken at a meeting at which a majority of the members are present and vote in favor thereof, provided that any action not binding for such a reason may be ratified within 30 days by the concurrence in writing of a majority of the commission membership. No action of the commission respecting a matter other than its internal management shall be binding unless taken at a meeting at which a majority of the state members and a majority of the members representing the United States are present and a majority of said state members together with a majority of said members representing the United States vote in favor thereof, provided that any action not binding for such a reason may be ratified within 30 days by the concurrence in writing of a majority of the state members and the concurrence in writing of a majority of the members representing the United States.

Article VII.

Finances.

I. The commission shall submit to the Governor or designated officer of each party state a request for funds to cover estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the Legislature thereof. Any such request shall indicate the sum or sums which the commission has requested or intends to request be appropriated by the United States for the use or support of the commission during the period covered thereby.

II. With due regard for such moneys and other assistance as may be made available to it, the commission shall be provided with such funds by each of the several states participating therein to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the commission.

With due allowance for moneys otherwise available, each budget of the commission shall be the responsibility of the party states, to be apportioned among them on a weighted formula based 50% on population and 50% on gross land area, such population and gross land area to be determined in accordance with the last official United States Census of Population. The total

contributions of all of the states shall not be required to exceed \$50,000 annually and regardless of the number of states party to the compact at any time the maximum annual contribution required of any state shall not exceed its share of the \$50,000. Any state may contribute such funds in excess of its share, as determined above, as it may desire.

III. The commission shall not pledge the credit of any jurisdiction. The commission may meet any of its obligations in whole or in part with funds available to it under article VIII, subsection V, provided that the commission takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in such manner.

IV. The members of the commission shall be paid by the commission their actual expenses incurred and incident to the performance of their duties, subject to the approval of the commission.

V. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its by-laws. All receipts and disbursements of funds handled by the commission shall be audited by a qualified public accountant and the report of the audit shall be included in and become a part of the annual report of the commission.

VI. The accounts of the commission shall be open at any reasonable time for inspection by such agency, representative or representatives of the jurisdictions which appropriate funds to the commission.

Article VIII.

Administration and Management.

I. The commission may sue and be sued, and shall have a seal.

II. The commission shall elect annually, from among its members, a chairman, vice-chairman and treasurer. The commission shall appoint an executive director who shall also act as secretary, and together with the treasurer, shall be bonded in such amounts as the commission may require.

III. The commission shall appoint and remove or discharge such personnel as may be necessary for the performance of its functions irrespective of any civil service laws which might otherwise apply. The commission shall establish and maintain, independently, by contract or agreement with the United States or an agency thereof, or in conjunction with any one or more of the party states, suitable retirement programs for its employees. Employees of the commission shall be eligible for social security coverage in respect to old age and survivors insurance provided that the commission takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the commission terms and conditions of employment similar to those enjoyed by employees of the party states generally.

IV. The commission may borrow, accept or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any intergovernmental agency, or from any institution, person, firm or corporation.

V. The commission may accept for any of its purposes and functions under this compact any and all appropriations, donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state or the United States or any subdivision or agency thereof, or intergovernmental agency, or any institution, person, firm or corporation, and may receive, utilize and dispose of the same.

VI. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may accept, hold and convey real and personal property and any interest therein.

VII. The commission may adopt, amend and rescind by-laws, rules and regulations for the conduct of its business.

VIII. The commission shall make and transmit annually, to the Legislature and Governor of each party state, and to the President and Congress of the United States, a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been adopted by the commission. The commission may issue such additional reports as it may deem desirable.

Article IX.

Other Compacts and Activities.

Nothing in this compact shall be construed to impair, or otherwise affect, the jurisdiction of any interstate agency in which any party state participates nor to abridge, impair or otherwise affect the provisions of any compact to which any one or more of the party states may be a party, nor to supersede, diminish or otherwise affect any obligation assumed under any such compact. Nor shall anything in this compact be construed to discourage additional interstate compacts among some or all of the party states for the management of natural resources, or the coordination of activities with respect to a specific natural resource or any aspect of natural resource management, or for the establishment of intergovernmental planning agencies in sub-areas of the region. Nothing in this compact shall be construed to limit the jurisdiction or activities of any participating government, agency or officer thereof, or any private person or agency, except as expressly required by this compact.

Article X.

Enactment.

I. This compact shall become effective when entered into and enacted into law by any 3 of the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, and when the United States has provided

by law for the designation of its representation on the commission. Thereafter it shall become effective with respect to any other aforementioned state upon its enacting this compact into law.

II. Upon consent of the Congress of the United States of America, any other state in the northeastern area may become a party to this compact, by entering into and enacting this compact into law.

Article XI.

Withdrawal.

This compact shall continue in force and remain binding upon each party state until renounced by it. Renunciation of this compact must be preceded by sending 3 years' notice in writing of intention to withdraw from the compact to the governor of each of the other states party hereto and to such officers or agencies of the United States as may be designated by federal law.'

Sec. 2. Appropriation. There is appropriated from the General Fund of the State the sum of \$14,925 for the fiscal year ending June 30, 1960 and \$14,925 for the fiscal year ending June 30, 1961 to carry out the purposes of this act.