

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1990

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

SECOND REGULAR SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 23, 1990.

CHAPTER 108

H.P. 1457 - L.D. 2031

An Act to Establish the Wells National Estuarine Research Reserve Management Authority

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

Sec. 1. Definitions. As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Authority. "Authority" means the Wells National Estuarine Research Reserve Management Authority.

2. Reserve. "Reserve" means the Wells National Estuarine Reserve, created in 1984 as part of the federal National Estuarine Research Reserve System authorized by the federal Coastal Zone Management Act.

3. Reserve Management Plan. "Reserve Management Plan" means the approved plan for managing the reserve authorized by 15 Code of Federal Regulations, Part 921.

Sec. 2. Authority created. The Wells National Estuarine Research Reserve Management Authority is established as an instrumentality of the State to support and promote the interests of the reserve.

The authority shall manage and sustain the coastal lands and other resources within the reserve, further coordination and cooperation among state agencies, the Town of Wells and the United States Fish and Wildlife Service, and the Laudholm Trust, develop and implement programs for estuarine research and education and provide public access and opportunities for public enjoyment compatible with the protection of the reserve's natural resources.

Sec. 3. Duties of the authority. The authority shall:

1. Ensure a natural environment for research through long-term protection and management of estuarine areas and resources;

2. Identify coastal management issues that can be addressed through coordinated estuarine research within the national system of which the reserve is a part;

3. Enhance public awareness and understanding of the estuarine environment and provide suitable opportunities for public education, interpretation and enjoyment of these resources;

4. Conduct and coordinate estuarine research within the reserve, gathering and making available information necessary for improved understanding and management of estuarine areas;

5. Establish, coordinate and implement research, education and resource management projects;

6. Facilitate public recreational use of Laudholm Beach and adjacent lands within the reserve; and

7. Establish and implement the Reserve Management Plan, and update that plan every 5 years. The plan must be adopted in accordance with the Maine Revised Statutes, the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 4. Location of the reserve. The reserve contains approximately 1,600 acres in the Town of Wells and includes lands between the Little River to the north and the Eldridge River to the south. The boundary to the east parallels the shoreline, excluding the shoreline development and to the west is bordered by the coastal wetland margin. Specifically, the reserve contains:

1. Lands in the Rachel Carson National Wildlife Refuge managed by the United States Fish and Wildlife Service;

2. Land purchased or acquired for a state park managed by the Bureau of Parks and Recreation;

3. Submerged tidal lands managed by the Bureau of Public Lands;

4. Land purchased by the Town of Wells or the State; and

5. Land donated by the Town of Wells to the Department of Conservation as a conservation easement.

Sec. 5. Powers of the authority. The authority, in compliance with the Reserve Management Plan, is responsible for management of the reserve lands for which the authority holds a license, lease or other interest or lands that are under agreement with a cooperating agency. The authority has overall jurisdiction over the establishment and coordination of research education and resource management policies for the reserve.

The authority may exercise the following powers to manage the reserve, in accordance with its purposes, including, but not limited to:

1. Receiving and expending money, including money from any private or governmental source, for reserve operations, authority acquisitions, management,

development and related projects. Expenditures by the authority must be consistent with and within the scope of an annual work plan and budget;

2. Establishing policies and work programs;
3. Hiring, managing and discharging staff;
4. Acquiring and selling or conveying real and personal property and interests therein;
5. Executing contracts and agreements with private and public entities as necessary;
6. Accommodating and providing services to the public and charging reasonable fees for these services and accommodations;
7. Adopting bylaws to administer the authority, including selection of officers, employment of staff, delegation of routine and administrative functions to the staff, establishment of committees and conducting other business of the authority;
8. Adopting rules for the protection of the reserve and its resources consistent with the Reserve Management Plan and for the protection and safety of the public;
9. Enforcing rules and other laws applicable to the reserve, including agreements providing for enforcement by local, state and federal law enforcement authorities;
10. Submitting an annual report to the Legislature describing the activities of the authority during the preceding year; and
11. Keeping books, records and accounts of the activities of the authority that are open to the public in accordance with the Maine Revised Statutes, Title 1, chapter 13.

Sec. 6. Administration. The administration of the authority is as follows.

1. The authority is exempt from the budget requirements of Title 5, chapter 149. Expenditures by the authority do not require allocation by the Legislature.
2. Staff employed by the authority is not subject to the civil service laws, as set out in Title 5, chapter 372.
3. Contracts and agreements entered into by the authority are not subject to the provisions of Title 5, chapters 153 and 155.
4. All rules adopted by the authority must be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.
5. Within 120 days after the close of its fiscal year, the authority shall provide a copy of its annual financial report certified by an independent certified public ac-

countant selected by the authority to the Commissioner of Conservation, the Director of the State Planning Office, the Treasurer of State, the State Auditor and the Joint Standing Committee on Energy and Natural Resources. The financial report must comply with federal Office of Management and Budget requirements.

6. The authority is a governmental entity for the purposes of the Maine Tort Claims Act, Maine Revised Statutes, Title 14, chapter 741.

7. The debts and liabilities of the authority are not the debts and liabilities of the State.

Sec. 7. Board. The authority is governed by a board of directors composed of the following:

1. The Commissioner of Conservation, or the commissioner's designee;
2. The Regional Director of Region 5 of the United States Fish and Wildlife Service, or the regional director's designee;
3. A representative of the Town of Wells, as designated by the town's board of selectmen;
4. A representative of the Laudholm Trust, as designated by the board of trustees; and
5. A public member with an established reputation in the field of marine or estuarine research, appointed by the Governor for a term of 3 years.

In addition, the following members are ex officio nonvoting members:

- A. The Director of the State Planning Office or the director's designee; and
- B. The Director of the Office of Ocean and Coastal Resources Management, National Oceanic Atmospheric Administration or the director's designee.

An employee of the authority or other person employed at the reserve may not serve on the board of the authority. Board members of the authority are not entitled to compensation by the authority for expenses.

Sec. 8. Meetings. The authority shall meet quarterly and at any other times necessary.

Sec. 9. Violations. A violation of the rules of the reserve is a Class E crime.

Sec. 10. Federal navigational project. The creation of the authority is not to be construed as legislative support for or opposition to the use and maintenance of the federal navigational project in Wells harbor.

See title page for effective date.