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)

JOHN D. CHAPMAN, SABADAHDO, CHAIRMAN MATTHEW C. LEVINE, KENNEBEO RICHARD D. HEWES, CUMBERLAND

ELAINE V. DOAK, COMMITTEE ABBIBTANT JONATHAN HULL, LEGIBLATIVE ABBIBTANT



HOUSE

BONNIE POST, OWL'S HEAD, CHAIRPERBON
PATRICK T. JACKSON, JR., YARMOUTH, SECRETARY
LAWRENDE P. GREENLAW, JR.; STONINGTON
KENNETH A. MILLS, EASTPORT
WILLIAM B. SLODGETT, WALDOGBRO
GARY W. FOWLIE, ROCKLAND
NORMAN W. NELBON, ROQUE BLUFFS
MAYNARD G. CONNERB, FRANKLIN
WALTER L. BUNKER, GOULDBBORD
ELMONT S. TYNDALE, KENNEBUNKPORT

STATE OF MAINE

ONE HUNDRED AND EIGHTH LEGISLATURE

COMMITTEE ON MARINE RESOURCES

June 20, 1977

Rep. John L. Martin, Chairman Legislative Council c/0 Speaker's Office State House Augusta, Maine 04333

Dear Representative Martin:

In accordance with House Paper 253, which ordered the Committee to study the State's management of Marine Resources, we enclose herein the final report of the Committee on Marine Resources.

Respectfully symmitted,

erator John Chapman

Representative Bonnie Post

REPORT OF THE JOINT STANDING COMMITTEE ON MARINE RESOURCES

STUDY ON STATE MANAGEMENT

OF MARINE RESOURCES

H.P. 253

SENATE

John D. Chapman Matthew C. Levine Richard D. Hewes

HOUSE

Bonnie Post
Patrick T. Jackson, Jr.
Lawrence P. Greenlaw, Jr.
Kenneth A. Mills
William B. Blodgett
Gary W. Fowlie
Norman W. Nelson
Maynard G. Conners
Walter L. Bunker
Elmont S. Tyndale

LEGISLATIVE ASSISTANT

Jonathan Hull

		•	

INTRODUCTION

The 108th Legislature, during its First Regular Session, ordered the Joint Standing Committee on Marine Resources to study the state management of marine resources, and in particular the marketing, extension and research activities in relation to extensions of federal and state territorial waters. (A copy of the Study Order is attached as Appendix A.)

In order to gain a better understanding of the State's responses to the 200-mile limit and its management of marine resources, the committee established four sub-committees. sub-committees examined the operations of the Department of Marine Resources, one sub-committee reviewing the Research Division, one the Marketing Division and one the Extension Division. fourth sub-committee examined the Bigelow Laboratory for Ocean Sciences. The sub-committees reported to the Committee a review of the current activities of the Divisions and a statement by the Division Director. The Bigelow sub-committee also reported on the future relationship between the State and the Laboratory. reports were based on prior studies and extensive discussions with the individuals in each Division. The Bigelow report was based on a series of meetings between the Director and Assistant Director of the Laboratory, the Commissioner of Marine Resources, the Vice President of Research and PublicService of the University of Maine, the Governor's staff and members of the sub-committee.

The Committee also attended the Fishermen's Forum in Rockland to obtain the views of fishermen and the fishing industry. The Committee circulated a questionnaire at the Forum as well as participating actively in several Forum meetings.

After gathering this information and reporting to the Com-

mittee, the sub-committees were dissolved. The Committee then considered the reports and made several specific recommendations. Because of the limited time available, the Committee limited its recommendations to immediate problems and concrete solutions. These solutions were discussed and then drafted for further discussion. As part of the discussion, the opinions of the Commissioner of Marine Resources were sought. The Committee then completed its discussion, and directed the preparation of a draft final report, including its specific legislative recommendations.

The Committee reviewed the draft final report and the accompanying legislation at a meeting on May , 1977, and after discussion, unanimously voted to submit the draft legislation and this report, for legislative action during the First Regular Session of the 108th Legislature.

REPORT

The Committee has found that the Department of Marine Resources has begun to respond to the potentials of the 200-mile limit. The Committee makes the following recommendations to increase the effectiveness of the response and to strengthen the Department of Marine Resources and the State's role in the implementation of the 200-mile limit.

I. Manpower.

Because of the significance of the 200-mile limit and its potentially great affect on the State's fishing industry, it is vital that the Department be brought to full authorized personnel strength at the earliest moment. At the moment, the Department has seven vacancies (three in the Extension Division, one in Marketing, two in the Enforcement Division and one in administration). Some of these vacancies have existed for an extended period.

In order for the Department to properly fulfill its mandated function these vacancies must be filled as rapidly as practicable. In addition, the Department may need further personnel to accomplish its expanded duties under the extended jurisdiction in fisheries. At this time the Committee has no specific recommendation on additional personnel, but would recommend careful consideration of requests for additional personnel by the Department. State is to properly respond to the needs of the fishing industry and is to take full advantage of the immense potential benefit to the State in the extended fisheries jurisdiction, it must be willing to make the small investments necessary to protect and implement an expanded State role in fisheries. This will undoubtedly require more personnel for Department activities. II. Marine Resource Centers.

In order to strengthen the interaction between the Department and the fishing industry and to increase the effectiveness of departmental activities, the Committee recommends that the Commissioner establish four Marine Resource Centers, one in each enforcement district. (Tentative locations are: Machias, Ellsworth, Rockland and Portland.) These centers can be the focus of communications between the Department and the fishing industry, and may be the center for area operations.

The University's Sea Grant Extension Service will also use the centers, thus promoting coordination in marine extension services. (The University has expressed a willingness to utilize these centers for this purpose.) The Centers will also provide regional licensing services for the Department. (Draft Legislation is attached.)

The Department has indicated that one person may be transferred from Augusta to one of the centers. Three other persons

will need to be hired. (Sea-Grant or other federal money may be available for these personnel expenditures.) In addition, either presently available space will have to be located or lease-rental arrangements made. To meet the 1st year expenditures for space, the Committee recommends the use of the State expenditure for The State expenditure for TRIGOM, a traditional appropriation for the development of marine resources, has been budgeted for 1978-1979; though it is contained in the University of Maine, Board of Trustees - Educational and General Activities appropriation. The Committee recommends that these funds (1978-\$60,166 and 1979-\$61,970) be transferred to the Department for use in establishing the Marine Resource Centers. This would provide approximately \$15,000 to establish each center, or more if fewer Centers were initially established.

III. Research Five-Year Plan

In order to improve the capability of the Department to supply the scientific data necessary to support State's interests in the implementation of the extended fishery jurisdiction and to better manage the in-shore fishery, and Committee records the development of a Five-Year Research Plan. The Committee recommends that the Plan be completed prior to January 1979, and that it state the basic research goals of the Department, with a focus on research necessitated by the 200-mile limit. The Plan should identify the marine resources and hazards important or potentially important to Maine fisheries, the research that needs to be done in these areas over the next five years, the specific goals of that research, the procedures for periodic critical review and oversight of this re-

search, and the procedures required to review the goals of the Five Year Plan. This Plan should be coordinated with the plans for research of the Regional Fisheries Council.

The Department should actively solicit and receive ideas and concepts from fishing industry and marine scientists outside the Department when formulating this plan, and should develop continuing methods to review both the quality of scientific research undertaken by the Department and to regularly review the general goals of that research.

IV. Marketing Study.

The Department of Marine Resources has already begun a major study designed to increase the markets available to Maine seafoods. This "Mid-West Distribution Center" study is designed to identify potential major markets in the Mid-West and South-West and to develop plans and methods to supply markets with Maine seafood. This study seems to be significant beginning in attempts to expand Maine's seafood markets. While the Committee encourages the continuation of this study, it also believes that an expanded study is necessary. The Committee thus recommends that a legislative study be undertaken to analyze the present condition and location of the fishing fleet dockside and port facilities in the State, the present and potential landings of commercial seafood, the procedure for reporting landings, the landing, handling, porcessing, transporting and distribution methods currently used, the present instate and regional marketing system, potential marketing systems that could be established, including fish auctions, and the role of the State in improving Maine seafood marketing. (Draft study order is attached.)

Various state government agencies have already begun gathering some basic data that will be relevant to this study; but the Com-

mittee recognizes that not all the required data is presently available. The Committee, under this study order, should seek out and compile this information, as well as information from other states. It should also, to be best of its capacity, seek outside professional assistance in gathering and developing the necessary information.

V. Bigelow Laboratory.

The Bigelow Laboratory for Ocean Sciences is a private nonprofit marine research facility that has been operating in Boothbay Harbor for several years. The Laboratory has been using the
facilities of the National Marine Fisheries Service that are
adjacent to the Department's Laboratories under a lease agreement
with the Department. These facilities are now being declared surplus and will apparently be transferred shortly to the State.

Because Bigelow Laboratory is conducting research that is vitally important to a better understanding of Maine's marine resources; it is in the State's interest to provide the Laboratory with sufficient time to plan for its future. In order to provide this time, the Committee recommends that the Department of Marine Resources lease all or part of the federal property to Bigelow Laboratory for two years. (Draft legislation is attached.) This lease will allow the laboratory, the Department and the University of Maine to develop mutually agreeable plans for the future of Marine research that is done through this Laboratory, and also allow the Laboratory to plan its future location, facilities and In addition, the Committee recommends a continuation of status. the State appropriation to the Laboratory, and also recommends that this appropriation be a separate line item in the Departmental budget of the Department of Marine Resources.

VI. Other.

The Committee also makes the following recommendations to the Department:

- A. The Department should take much more advantage of the general press in trying to disseminate information about its programs and federal programs related to the 200-mile limit. Two possible methods of doing so are a press seminar on the 200-mile limit for the State House press corps, and a question-and-answer column from the Commissioner for local dailies and weeklies.
- B. The Department should either share personnel with other departments or train key personnel in the methods and techniques of locating and obtaining federal grants. This training should be available from personnel in other departments.
- C. The Department should continue to consider reorganization.

The Committee believes that the recommendations of this study will serve to further strengthen the State's ability to manage and properly exploit its marine resources. In addition, these recommendations will aid the State in meeting the challenge of the extended fishery jurisdiction and enable it to develop the State's role in managing its marine resources.

VII. Divided issue.

In relation to the recommendations for the development of a Five-Year Plan for Departmental Research, the Committee held a divided opinion on the following recommendation:

The Committee recommends that a Joint Select Committee be established to advise the Department in the development of the Research Five-Year Plan, and to make recommendations for continued planning for and review of Departmental research. (Draft study order is attached.)

The following members were in favor of adopting this recommendation:

Senator Matthew Levine
Representative Bonnie Post
Representative Lawrence Greenlaw, Jr.
Representative William Blodgett
Representative Gary Fowlie
Representative Normal Nelson
Representative Elmont Tyndale

The following members were opposed to adopting this recommendation:

Senator John Chapman Senator Richard Hewes Representative Patrick Jackson, Jr. Representative Maynard Conners Representative Walter Bunker

Representative Kenneth Mills was absent and did not sign either report.

STATE OF MAINE

In House

Ordered

Whereas, the 200-mile limit is to become effective this year; and

Whereas, the state's response to the 200-mile limit and possible extensions of the state's territorial jurisdiction is uncertain; and

Whereas, it is in the best interest of the State to play a positive and forceful role in the implementation of the 200-mile limit; and

Whereas, extensions in federal and state territorial jurisdiction will increase the importance of marine research activities in the State, including the research being undertaken at the Bigelow laboratories and the Department of Marine Resources laboratories; and

Whereas, these changes demand consideration of the increased opportunities for effective state action; now, therefore be it

Ordered, the Senate concurring, that the Joint Standing

Committee on Marine Resources be authorized to study marketing,

extension and research activities relating to marine resources

in relation to extensions of federal and state territorial waters;

and be it further

STATE OF MAINE SENATE 108TH LEGISLATURE FIRST REGULAR SESSION

SINATE AMENDMENT "A" to H.P. 253 concerning study of 200mile limit by Joint Standing Committee on Marine Resources.

Amend the Joint Order by striking out all of the 7th paragraph and inserting in its place the following:

'Ordered, that for purposes of this study, the Committee on Marine Resources may conduct public hearings and, with the approval of the Legislative Council, may conduct public hearings outside of the Augusta area, in order to solicit and receive information from individuals and agencies expert in the field, including, but not limited to, the Maine Department of Marine Resources; and be it further'

Further amend the Joint Order by striking out in the last line of the 8th paragraph the word and figures "May 1, 1977" and inserting in their place the word and figures 'April 15, 1977'

IN SENATE CHAMBER READ AND ADOPTED SENT DOWN FOR CONCURRENCE

HOUSE OF REPRESENTATIVES
HOUSE RECEDED & CONCURRED

FEB 10 1377

FEB 17 1077

MAY M. ROSS

· SECRETARY

CLERK

COLINSIA.

Kennebec

Reproduced and distributed pursuant to Senate Rule 11-A.

February 16, 1977

(Filing No. S-7)

Ordered, that for purposes of this study, the Committee on Marine Resources may conduct public hearings throughout the State in order to solicit and receive information from individuals and agencies expert in the field, including but not limited to, the Maine Department of Marine Resources; and be it further

Ordered, that the committee report to the Legislature the results of its findings, together with any proposed recommendations and copies of any necessary implementing legislation in final draft form prior to May 1, 1977; and be it further

Ordered, upon passage in concurrence, that a suitable copy of this Order be forwarded to each member of the committee and to each agency mentioned in this order.

IN SENATE

FEB 10 1977

MOTION BY LISTING SPEER

IN SENATE

FEB 18 1977

IN NON CONCURRENCE

SENT DOWN FOR CONCURRENCE

HOUSE OF REPRESENTATIVES

HOUSE RECEDED & CONCURRED

FFB 17 1977

CLERK

HOUSE OF REPRESENTATIVES

READ AND PASSED

9 1977

CLERK

Town: Owls Head

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1704

H. P. 1492 House of Representatives, April 26, 1977 Filed by the Joint Standing Committee on Marine Resources, Under Joint Rule 17, Pursuant to H. P. 253.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED SEVENTY-SEVEN

RESOLVE, Directing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor to the Northeastern Research Foundation Inc.

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

Whereas, the federal facilities at McKown Point, West Boothbay Harbor will be declared surplus soon by the Federal Government, and will probably be transferred to the State shortly thereafter; and

Whereas, the Bigelow Laboratory for Ocean Sciences has been utilizing several of the federal buildings for several years, under contract with the Department of Marine Resources, and desires to continue this use; and

Whereas, the research being conducted by Bigelow Laboratory is of vital importance to the long-range understanding of the biological, chemical, physical and ecological processes occurring in the Gulf of Maine, and the understanding of these processes is vital to proper management of the marine resources in the Gulf; and

Whereas, the state's interest in the protection and management of its marine resources would be furthered by the continuation of research being conducted by Bigelow Laboratory; and

Whereas, a 2-year commitment of these facilities is necessary to allow the development of future plans for Bigelow Laboratory; and

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

Commissioner of Marine Resources; directed to lease land; legislative oversight. Resolved: That the Commissioner of Marine Resources, in the name of the State of Maine, is directed to enter into a 2-year lease, commencing July 1, 1977, for nominal consideration, with the Bigelow Laboratory for Ocean Sciences, a division of Northeastern Research Foundation, of West Boothbay Harbor to lease all or part of a certain lot or parcel of land, and the buildings thereon, situated in West Boothbay Harbor in the County of Lincoln and State of Maine, being the parcel or lot presently owned by the United States, known as the Biological Laboratory, and described in the General Services Administration Real Property Survey, dated May 1, 1973, Inventory Control No. 134-30174-23, as Parcel A, not including the property leased to the State of Maine in March, 1969, for a 20-year term, and Parcel B, both parcels containing a total of 4.6 acres.

The lease agreement shall be prepared in consultation with the Committee on Marine Resources and shall be completed no later than June 15, 1977. At least 10 days prior to that date, the commissioner shall submit the lease agreement in its final form to the committee for its review.

If Bigelow Laboratory enters into the lease of land and buildings described herein, it shall submit to the Committee on Marine Resources periodic reports on its uses of the land and buildings, the research undertaken, the expenditures for maintenance and improvement, the plans for use of the facilities during the next reporting period, and the efforts undertaken to define their relationship to the State beyond the terms of this lease. This report shall be submitted on January 1, 1978, January 1, 1979 and June 30, 1979.

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

STATEMENT OF FACT

The purpose of this resolve is to direct the Commissioner of Marine Resources to lease property that the State will shortly acquire from the Federal Government. The property is located at McKown Point, West Boothbay Harbor and is currently occupied and used by Bigelow Laboratory. This resolve authorizes a lease to continue this occupation for 2 years; and thus to continue the marine research being conducted at Bigelow Laboratory. This marine research is vitally important to a better understanding of the Gulf of Maine and the state's marine resources.

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1778

H. P. 1564 House of Representatives, May 16, 1977 Reported by Mrs. Post from Committee on Marine Resources, pursuant to H. P. 253 and printed under Joint Rules No. 17.

Filed by the Joint Standing Committee on Marine Resources under Joint

Rule 17, pursuant to H. P. 253.

Presented by Mrs. Post of Owl's Head.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED SEVENTY-SEVEN

AN ACT to Establish Regional Marine Resources Centers.

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

Sec. 1. 12 MRSA § 3507 is enacted to read:

§ 3507. Regional marine resources centers

The commissioner may establish up to 4 regional marine resources centers to serve the coastal areas of the State. The purpose of the centers shall be to provide the various services of the department directly to the fishing industry in a local office, and to improve communication between the industry and department. The centers may serve as the center for the activities of coastal wardens and marine extension agents assigned to the area. The centers may also issue any licenses authorized to be issued under chapters 415 and 417. The commissioner may lease or rent appropriate facilities for each center or enter into arrangements with state departments or agencies for the use of appropriate facilities. He may authorize the use of part of such facilities by other agencies of the State who are engaged in similar or complementary activities.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Marine Resources the sum of \$122,136 to carry out the purposes of this Act. The breakdown shall be as follows:

1977-78 1978-79

MARINE RESOURCES, DEPARTMENT OF

Marine Resources Centers All Other

\$60,166

\$61,970

FISCAL NOTE

The appropriation in this bill is to be met by discontinuing the present appropriation, in an identical amount, to TRIGOM - The Research Institute of the Gulf of Maine. The present budget appropriation to TRIGOM is contained in the University of Maine - Educational and General Activities appropriation. As this appropriation has traditionally been allocated for services related to marine resources, it should continue to be used for this general purpose.

STATEMENT OF FACT

The purpose of this bill is to establish 4 marine resources centers along the coast. One center will be located in each warden district. The centers will be a focus of communications between the fishing industry and the department, and will be the center for the operations of the department's warden service and extension service. The University of Maine has also expressed a willingness to use these centers as the base of operation for its sea-grant extension service. This will significantly increase coordination between these activities and improve the services to the fishermen. Licensing could also be accomplished through these local services.

The only funding required for these centers is the cost of leasing or renting appropriate space in each area. This funding is to be met by transferring the present state appropriation for TRIGOM to the department for this purpose. Additional funds for personnel expenditures and other expenses can be met by federal funds.

STATE OF MAINE

OF R.

In House



Whereas, the enactment of the 200-mile limit is likely to generate new fishing opportunities and increased landings for Maine fishermen; and

Whereas, the increased fishing activity will demand new marketing methods and procedures to take full advantage of the 200-mile limit; and

Whereas, a basic study of the present and potential markets for seafood does not now exist, and is vitally necessary to properly plan for increasing of seafood market demands; now, therefore, be it

Ordered, the Senate concurring, that the Legislative Council be authorized to study, through the Joint Standing Committee on Marine Resources, the marketing possibilities for Maine seafood; and be it further

Ordered, that the study shall analyze the present condition and location of the fishing fleet, dockside and port facilities, the present and potential landings of commercial seafood, the procedure for reporting landings, the landing, handling, processing, transporting and distribution methods currently used, the present instate and regional marketing system, potential marketing systems that could be established, including fish auctions, and the role of the State in improving Maine seafood marketing; and be it further

Ordered, that all departments of state government shall cooperate with the committee in the pursuit of its assigned task;

D. OF R

and be it further

Ordered, that the committee shall complete this study no later than December 1, 1977, or no later than 90 days prior to the First Regular Session of the 109th Legislature and submit to the Legislative Council within either—time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

Ordered, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the comm@ittee.

(Post)

Name:

Town: Owls Head

STATE OF MAINE

	ď	Ġ.
Ċ	O,	

In House

Qualcuarda

Whereas, it is important that the State play a positive and forceful role in the implementation of the 200-mile limit; and

Whereas, the State's marine research activities are critical in providing the information to substantiate the State's position in the implementation of the 200-mile limit; and

Whereas, the Department of Marine Resources is developing a 5-year plan of marine research to meet their needs; and

Whereas, it would be beneficial to have the input of the fishing industry and the citizenry of Maine in the development of this plan; now, therefore, be it

Ordered, the Senate concurring, that a Select Committee on Marine Research be established, comprised of 9 members to be constituted and appointed as follows: one member of the Senate to be appointed by the President of the Senate; 2 members of the House to be appointed by the Speaker of the House; 5 members of the fishing industry in this state and one marine scientist, who is not an employee of the Department of Marine Resources, all of whom shall be appointed by joint agreement of the President of the Senate and Speaker of the House; and be it further

Ordered, that the committee meet with the Department of Marine Resources to give advice on the development of its plan for marine research; and be it further

Ordered, that the committee shall consider, among other issues, the research required to implement the 200-mile limit Maxxex

THEFOR

and to protect the state's interests in that implementation; marine resources and hazards important or potentially important to the state's fisheries, the research that is necessary in these areas over the 5-year period from 1979 to 1984, the specific goals of that research, the procedures for periodic critical review and oversight of that research, and the procedures required to review the goals of the 5-year plan after its adoption; and be it further

Ordered, that the committee shall take under consideration the plan and report the same to the \(---- \rightarrow \) Legislature and to the Governor on or before January, 1979, along with any recommended administrative action and legislation to implement its findings; and be it further

Ordered, that the committee shall hold its organizational meeting upon the call of the President of the Senate, and shall choose a chairman from among its membership, and shall organize its study at that time; and be it further

Ordered, that the members of the committee shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures; and be it further

Ordered, upon passage in concurrence, that a suitable copy of this Order be forwarded to each member appointed to the committee and to the Commissioner of Marine Resources.

(Post)

Name:

Town: Owls Head