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.

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

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

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

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

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

1. Two members of the Senate who represent coastal legislative districts, appointed by the President of the Senate;
2. Three members of the House of Representatives who represent coastal legislative districts, appointed by the Speaker of the House;
3. Three members representing marine harvesters, including harvesters of lobster and other shellfish, finfish, rockweed and seaweed, appointed by the President of the Senate;
4. Five members who are representatives of bay municipalities, one from a municipality located on each of Casco Bay, Penobscot Bay, Blue Hill Bay, Frenchman Bay and Cobscook Bay, appointed by the President of the Senate;
5. One member who is a representative of the Maine coastal program of the Department of Marine Resources, appointed by the President of the Senate;
6. Three members who are representatives of marine industries, including shipbuilders, tour boat operators and marinas, appointed by the Speaker of the House;
7. Five members who are representatives of Maine coastal waters conservation organizations, including an organization promoting the conservation of Frenchman Bay, appointed by the Speaker of the House;
8. Two members who are representatives of coastal-related research organizations, appointed by the Speaker of the House; and
9. One member who is a representative of Acadia National Park, appointed by the Speaker of the House.

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

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

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

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

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

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

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

6. Consider amending current laws versus enacting new laws;

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


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

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

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