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Legislative Document

No. 1284

H.P. 926

House of Representatives, March 14, 2019

An Act To Create the Science and Policy Advisory Council on the Impact of Climate Change on Maine's Marine Species

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BLUME of York.
Cosponsored by Senator MOORE of Washington and
Representatives: HEPLER of Woolwich, JORGENSEN of Portland, KESCHL of Belgrade,
McCREIGHT of Harpswell, McDONALD of Stonington, RECKITT of South Portland,
TUELL of East Machias, Senator: VITELLI of Sagadahoc.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§57-I** is enacted to read:

3 **57-I.**

4 Marine Resources Science and Policy Legislative Per 38 MRSA §3301
5 Advisory Council on Diem and Expenses
6 the Impact of
7 Climate Change on
8 Maine's Marine
9 Species

10 **Sec. 2. 38 MRSA c. 35** is enacted to read:

11 **CHAPTER 35**

12 **SCIENCE AND POLICY ADVISORY COUNCIL ON THE IMPACT OF**
13 **CLIMATE CHANGE ON MAINE'S MARINE SPECIES**

14 **§3301. Science and Policy Advisory Council on the Impact of Climate Change on**
15 **Maine's Marine Species**

16 **1. Establishment and purpose.** The Science and Policy Advisory Council on the
17 Impact of Climate Change on Maine's Marine Species, referred to in this section as "the
18 council," established by Title 5, section 12004-I, subsection 57-I, is created to identify,
19 study and recommend actions to remediate and mitigate the direct and indirect effects of
20 climate change on the State's marine ecosystems and the marine species that are
21 commercially harvested and grown in the State's coastal and ocean environments. The
22 direct and indirect effects of climate change reviewed must include, but are not limited to,
23 ocean and coastal acidification, warming ocean temperatures, increased precipitation and
24 changes in salinity and dissolved oxygen concentrations.

25 **2. Membership.** The council consists of the following 17 members:

26 A. Two members of the Senate appointed by the President of the Senate, including
27 one member from each of the 2 parties holding the largest number of seats in the
28 Legislature;

29 B. Three members of the House of Representatives appointed by the Speaker of the
30 House, including at least one member from each of the 2 parties holding the largest
31 number of seats in the Legislature;

32 C. Nine members appointed by the Commissioner of Marine Resources, including:

33 (1) Three representatives of an environmental or community group or one from
34 each type of organization;

35 (2) Three persons who fish commercially, including at least one aquaculturist;
36 and

1 (3) Three scientists who have studied the changes caused by climate change on
2 the State's marine ecosystems or the effects of climate change on the State's
3 marine species; and

4 D. Three members as follows:

5 (1) The Commissioner of Marine Resources or the commissioner's designee;

6 (2) The Commissioner of Environmental Protection or the commissioner's
7 designee; and

8 (3) The Commissioner of Agriculture, Conservation and Forestry or the
9 commissioner's designee.

10 **3. Chairs.** The first-named Senate member is the Senate chair and the first-named
11 House of Representatives member is the House chair of the council.

12 **4. Staff assistance.** Within the limits of its budget, the council is authorized to
13 contract with and employ staff members to assist the council in carrying out its duties. In
14 the event funding does not permit adequate staff support, the Department of Marine
15 Resources and the Department of Environmental Protection shall provide staff support
16 within the departments' existing resources.

17 **5. Quorum.** For purposes of holding a meeting, a quorum is 7 members. A quorum
18 must be present to start a meeting or to vote but not to continue or adjourn a meeting.

19 **6. Terms; vacancies.** Members of the council serve for 3 years. A member may
20 continue to serve until a successor is duly appointed and qualified. A member may not
21 serve more than 2 consecutive 3-year terms. A member may designate an alternate to
22 serve on a temporary basis.

23 **7. Consultation.** Whenever the council considers it appropriate, the council may
24 seek the advice of experts in fields related to its duties. The council may create
25 subcommittees to provide data and recommendations to the council in response to
26 specific subtopics related to the council's duties. The council shall coordinate and
27 communicate with other fisheries advisory councils.

28 **8. Powers and duties.** The council:

29 A. Shall meet at least twice annually;

30 B. Shall review, study and analyze existing scientific literature and data on the direct
31 and indirect effects of climate change and how those effects have directly or
32 indirectly affected or may directly or indirectly affect commercially harvested and
33 grown species along the coast of the State;

34 C. Shall identify critical scientific data and knowledge gaps pertaining to the direct
35 and indirect effects of climate change on the State's marine ecosystems and on
36 species that are commercially harvested and grown along the coast of the State;

37 D. Shall include in its review of the relevant scientific literature and data the results
38 of studies presented at conferences or workshops related to the direct and indirect

1 effects of climate change on the State's marine ecosystems and commercial marine
2 species;

3 E. Shall identify and monitor the factors contributing to the effects of climate
4 change, including, but not limited to, the effects caused by coastal and ocean
5 acidification, rising ocean temperatures and changes in salinity and dissolved oxygen
6 concentrations;

7 F. Shall work to strengthen existing scientific monitoring, research and analysis
8 regarding the direct and indirect effects of climate change on the State's marine
9 ecosystems and commercial marine species;

10 G. Shall identify methods and protocols to mitigate direct and indirect effects of
11 climate change on the State's marine species;

12 H. Shall work to increase public awareness of the direct and indirect effects of
13 climate change on the State's marine species;

14 I. Shall work to update and implement the recommendations contained in the
15 January 2015 report of the Commission To Study the Effects of Coastal and Ocean
16 Acidification and Its Existing and Potential Effects on Species That Are
17 Commercially Harvested and Grown along the Maine Coast authorized by Resolve
18 2013, chapter 110;

19 J. When appropriate, may consult and advise state agencies, the Legislature, Maine's
20 congressional delegation, the Governor and federal entities on matters regarding the
21 direct and indirect effects of climate change on the State's marine ecosystems and
22 commercial marine species;

23 K. May assist the Legislature and the Governor on pending legislation related to the
24 direct and indirect effects of climate change on the State's marine ecosystems and
25 commercial marine species, including, but not limited to, by providing testimony at a
26 public hearing on legislation before a joint standing committee of the Legislature;

27 L. May examine existing laws pertaining to the direct and indirect effects of climate
28 change on the State's marine ecosystems and commercial marine species;

29 M. Shall identify and promote economic development opportunities afforded by the
30 direct and indirect effects of climate change on the State's marine ecosystems and
31 commercial marine species through development and commercialization of new
32 technologies and businesses;

33 N. May recommend or submit to the Legislature legislation relating to the direct and
34 indirect effects of climate change on the State's marine ecosystems and commercial
35 marine species; and

36 O. May hold public hearings to receive testimony and recommendations from
37 members of the public and qualified experts on matters related to the direct and
38 indirect effects of climate change on the State's marine ecosystems and commercial
39 marine species.

40 **9. Report.** The council shall submit an annual report of its activities to the
41 Governor, the joint standing committee of the Legislature having jurisdiction over marine
42 resources matters and the joint standing committee of the Legislature having jurisdiction

1 over environmental protection matters. The council shall post the report on a publicly
2 accessible website maintained by the State.

3 **10. Reimbursement of expenses.** The members of the council are compensated
4 according to the provisions of Title 5, section 12004-I, subsection 57-I.

5 **11. Accounting; outside funding.** All funds appropriated, allocated or otherwise
6 provided to the council must be deposited in an account separate from all other funds of
7 the Legislature and are nonlapsing. Funds in the account may be used only for the
8 purposes of the council. The council may seek and accept outside funding and is
9 authorized on behalf of the State to accept federal funds to fulfill council duties. Prompt
10 notice of solicitation and acceptance of funds must be sent to the Legislative Council. All
11 funds accepted must be forwarded to the Executive Director of the Legislative Council,
12 along with an accounting that includes the amount received, the date that amount was
13 received, from whom that amount was received, the purpose of the donation and any
14 limitation on use of the funds. The executive director shall administer all funds received
15 in accordance with this subsection. At the beginning of each fiscal year, and at any other
16 time at the request of the cochairs of the council, the executive director shall provide to
17 the council an accounting of all funds available to the council, including funds available
18 for staff support.

19 **Sec. 3. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 38,
20 section 3301, subsection 6, paragraph C, of the initial members appointed by the
21 Commissioner of Marine Resources to the Science and Policy Advisory Council on the
22 Impact of Climate Change on Maine's Marine Species, 5 serve terms of 2 years and 4
23 serve terms of 3 years, and the members appointed under that paragraph shall draw lots
24 for 2-year or 3-year terms.

25 **Sec. 4. Meetings.** Notwithstanding the Maine Revised Statutes, Title 38, section
26 3301, subsection 8, paragraph A, during its initial year of existence, the Science and
27 Policy Advisory Council on the Impact of Climate Change on Maine's Marine Species
28 shall meet 4 times.

29 SUMMARY

30 This bill establishes the Science and Policy Advisory Council on the Impact of
31 Climate Change on Maine's Marine Species to examine the effects of climate change on
32 Maine's marine ecosystems as habitat for the State's valuable commercial marine species
33 and the direct and indirect effects of climate change on those commercial marine species.
34 The council will identify, study and make recommendations to remediate and mitigate the
35 direct and indirect effects of climate change on marine species that are commercially
36 harvested and grown in the State's coastal and ocean environments.