

126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1602

H.P. 1174

House of Representatives, December 30, 2013

Resolve, Establishing the Commission To Study the Effects of Ocean Acidification and Its Potential Effects on Commercial Shellfish Harvested and Grown along the Maine Coast (EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203. Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. Mac Jarland

MILLICENT M. MacFARLAND Clerk

Presented by Representative DEVIN of Newcastle.

Cosponsored by Senator SAVIELLO of Franklin and

Representatives: BEAVERS of South Berwick, BERRY of Bowdoinham, CAMPBELL of Newfield, CASSIDY of Lubec, CHENETTE of Saco, CHIPMAN of Portland, COOPER of Yarmouth, DeCHANT of Bath, DORNEY of Norridgewock, EVANGELOS of Friendship, Speaker EVES of North Berwick, GATTINE of Westbrook, GIDEON of Freeport, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, HAMANN of South Portland, HERBIG of Belfast, HICKMAN of Winthrop, HOBBINS of Saco, HUBBELL of Bar Harbor, JONES of Freedom, JORGENSEN of Portland, KENT of Woolwich, KINNEY of Limington, KORNFIELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, KUSIAK of Fairfield, MacDONALD of Boothbay, MARKS of Pittston, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McGOWAN of York, MITCHELL of the Penobscot Nation, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NELSON of Falmouth, PARRY of Arundel, PLANTE of Berwick, ROCHELO of Biddeford, RYKERSON of Kittery, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHORT of Pittsfield, WILSON of Augusta, WINCHENBACH of Waldoboro, Senators: President ALFOND of Cumberland, BOYLE of Cumberland, BURNS of Washington, GERZOFSKY of Cumberland, JACKSON of Aroostook, JOHNSON of Lincoln, LANGLEY of Hancock, MAZUREK of Knox, VITELLI of Sagadahoc.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Commission To Study the Effects of Ocean Acidification and Its Potential Effects on Commercial Shellfish Harvested and Grown along the Maine Coast is established to ensure effective coordination of the programs and scientific research regarding ocean acidification and to provide policies and tools to respond to the adverse effects of ocean acidification on commercially important shellfish fisheries and Maine's shellfish aquaculture industry; and

9 Whereas, the study must be initiated before the 90-day period expires in order that 10 the study may be completed and a report submitted in time for submission to the next 11 legislative session; and

12 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 13 the meaning of the Constitution of Maine and require the following legislation as 14 immediately necessary for the preservation of the public peace, health and safety; now, 15 therefore, be it

16 **Sec. 1. Commission established. Resolved:** That, notwithstanding Joint Rule 17 353, the Commission To Study the Effects of Ocean Acidification and Its Potential 18 Effects on Commercial Shellfish Harvested and Grown along the Maine Coast, referred 19 to in this resolve as "the commission," is established; and be it further

20 Sec. 2. Commission membership. Resolved: That the commission consists of 11 members appointed as follows:

- 22 1. One public member appointed by the Governor;
- 23 2. One member of the Senate appointed by the President of the Senate;
- 24 3. Two members appointed by the Speaker of the House as follows:
- A. One member of the House of Representatives; and
- 26 B. One representative of an environmental advocacy group;
- 4. Six members appointed by the Commissioner of Marine Resources as follows:
- A. One aquaculturist;
- B. One person who fishes commercially;
- 30 C. One chemical oceanographer;
- 31 D. One physical oceanographer, marine biologist or biological oceanographer;
- 32 E. One marine biologist or biological oceanographer; and
- 33 F. One representative from the Department of Marine Resources; and
- 34 5. One representative from the Department of Environmental Protection appointed
- 35 by the Commissioner of Environmental Protection; and be it further

Sec. 3. Chairs. Resolved: That the Senate member and the House of Representatives member shall jointly chair the commission; and be it further

3 Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this 4 5 resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, 6 7 the chairs shall call and convene the first meeting of the commission. If 30 days or more 8 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 9 for the commission to meet and conduct its business; and be it further 10

11 Sec. 5. Duties. Resolved: That the commission shall study and review existing 12 literature and data on ocean acidification and how it has affected or could potentially 13 affect commercially harvested and grown shellfish along the coast of the State including:

- 14 1. The factors driving ocean acidification;
- 15 2. How to mitigate ocean acidification;

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- 16 3. How to strengthen the scientific monitoring, research and analysis regarding the 17 causes of and trends in ocean acidification; and
- 4. What actions are necessary to protect commercially valuable shellfish species andthe State's shellfish aquaculture industry.
- The commission shall develop a plan of outreach to the general public to increase awareness of ocean acidification based on the study and review; and be it further
- 22 Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide 23 necessary staffing services to the commission; and be it further

24 Sec. 7. **Report. Resolved:** That, no later than November 5, 2014, the 25 commission shall submit a report that includes its findings and recommendations, 26 including suggested legislation, to the joint standing committee of the Legislature having The joint standing committee of the 27 jurisdiction over marine resources matters. 28 Legislature having jurisdiction over marine resources matters is authorized to submit a 29 bill to the First Regular Session of the 127th Legislature related to the subject matter of 30 the report.

- 31 **Emergency clause.** In view of the emergency cited in the preamble, this 32 legislation takes effect when approved.
 - SUMMARY
- This resolve establishes the Commission To Study the Effects of Ocean Acidification
 and Its Potential Effects on Commercial Shellfish Harvested and Grown along the Maine
 Coast.