

MAINE STATE LEGISLATURE

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STATE OF MAINE (Filing No. S-448)
SENATE
109TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1630, L.D. 1740, Bill, "AN ACT to Allow the Commissioner of Marine Resources to Exercise Limited Authority over the Conservation of Atlantic Salmon."

Amend the Amendment by striking out all of sections 1 and 2 and inserting in their place the following:

'Sec. 1. 12 MRSA §6171, sub-§2, first sentence, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

This section grants no authority granted to the Atlantic Sea Run Salmon/Commission under section 6253.

Sec. 2. 12 MRSA §6253, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

§6253. Conservation regulations

1. Regulations. The commission may adopt or amend regulations to conserve the Atlantic salmon, but not to regulate the taking of other fish for that purpose. These regulations shall be adopted in the same manner and with the same limits as provided for the conservation of marine organisms under section 6171. The advice and consent of the advisory council shall not be required.

2. Sole authority. Only the commission may adopt or amend regulations to conserve the Atlantic salmon, with the following exceptions:

A. In inland waters, the ~~commissioner~~

of Inland Fisheries and Wildlife may regulate the taking of any fish to conserve Atlantic salmon; and

B. In coastal waters, the Commissioner of Marine Resources may regulate the taking of any other marine organism to conserve Atlantic salmon.

3. Limit of jurisdiction. The commission may not adopt or amend a regulation based on a condition which is within the jurisdiction of the Board of Environmental Protection under Title 38. The commission may not adopt regulations requiring licenses for taking salmon.

4. Effect and proof of regulations. The regulations of the commission have the same effect and may be proved in the same manner as regulations of the Commissioner of Marine Resources under section 6174. Either the Commissioner of Marine Resources or the Commissioner of Inland Fisheries and Wildlife may complete the required certificate and statement.

Sec. 3. 12 MRSA §7603, as enacted by PL 1979, c. 420, §1, is amended to read:

§7603. Illegal fishing for Atlantic salmon

A person is guilty of illegal fishing for Atlantic salmon if he fishes for Atlantic sea run salmon in violation of the provisions of chapter 611 or section 7152.'

SENATE AMENDMENT " " to COMMITTEE AMENDMENT "A" to H.P. 1630,

L.D. 1740

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Statement of Fact

This amendment provides a limitation to prohibit the commission from requiring licenses for taking salmon. It has no effect on the statutory provisions on salmon licenses or permits.

(Shute)
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