

# MAINE STATE LEGISLATURE

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STATE OF MAINE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

COMMITTEE ON MARINE RESOURCES

March 13, 1998

The Honorable Mark W. Lawrence  
President of the Senate  
The Honorable Elizabeth H. Mitchell  
Speaker of the House of Representatives  
118th Legislature  
State House  
Augusta, ME 04333-0003

Dear Mr. President and Madam Speaker:

The Joint Standing Committee on Marine Resources is pleased to submit its findings from the review of the Atlantic States Marine Fisheries Commission under the State Government Evaluation Act pursuant to Title 3 Maine Revised Statutes, chapter 35. The committee found that the commission is operating within its statutory authority.

Sincerely,

Senator Jill M. Goldthwait

Representative David Etnier

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cc: E. Fern Estabrook, Acting Commissioner of Marine Resources  
David Boulter, Director, Office of Policy and Legal Analysis

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<p style="text-align:center"><b>JOINT STANDING COMMITTEE ON MARINE RESOURCES</b></p>
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**Review of the Atlantic States Marine Fisheries Commission  
under the Government Evaluation Act**

**The Government Evaluation Act**

The Government Evaluation Act provides for a system of periodic review of the efficacy and performance of state government agencies. The review of an agency's finances and programs must include a review of agency management and organization, program delivery, goals and objectives, statutory mandates and fiscal accountability (3 MRSA § 951 et seq.). The law was enacted by the 117th Legislature to replace the old Government Audit and Program Review Program and substituted a legislative audit of each agency on a rotating basis with an agency self assessment. The first reviews under the Act will be completed at the end of the 118th Legislature.

The keystone to the Act is the agency program evaluation report which consists of a number of components required by the statute. Essentially, the report is an agency self-assessment which the committee of jurisdiction uses as a starting point for its evaluation of the agency's effectiveness, efficiency and performance. The components that must be included in the report are: the agency's enabling state and federal legislation; program descriptions; organizational structure, position count and job classifications; compliance with federal and state health and safety laws; ten-year financial summaries; regulatory agenda; coordinated efforts with other state agencies; constituencies served by the agency; alternative delivery systems; and emerging issues for the agency.

**Review Process**

The Atlantic States Marine Fisheries Commission (ASMFC) is an interstate commission established under federal law for the purpose of managing salt water species that migrate among the coastal waters of states along the Atlantic seaboard. There is an annual appropriation paid by the State as dues to the ASMFC (\$23,343 in FY 1998). Since ASMFC involves salt water fisheries, the Marine Resources Committee asked the Department of Marine Resources to prepare materials for a Government Evaluation Act review of ASMFC. The committee held a worksession on the ASMFC report on March 12.

## **Findings**

Maine's participation in the Atlantic States Marine Fisheries Commission is essential for the stewardship of Maine's marine resources and for the health of Maine's commercial fishing industries. The ASMFC has the authority to develop fisheries management plans for species that migrate among state waters along the Atlantic coast. Species under the ASMFC umbrella include lobster, herring, shrimp and other species vital to Maine's coastal economy. Regardless of whether Maine participates in the development of the management plan for a fishery, federal law dictates that state laws and rules be in compliance with the plan or a moratorium on the fishery in the state may be imposed by the U.S. Secretary of Commerce. Therefore, it is essential that Maine have a say in the development of these plans. Maine has three seats on the ASMFC: The Commissioner of Marine Resources, a Legislator and a member of the public knowledgeable in the state's marine fisheries.

The Joint Standing Committee on Marine Resources finds that the Atlantic States Marine Fisheries Commission is operating within its statutory authority. In addition, the committee recommends the Legislature continue its annual appropriation for the state's dues to the ASMFC, thereby securing Maine a voice in the development of management plans that greatly impact the health of Maine's fishing economy.