

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1487

H. P. 1246

House of Representatives, April 7, 1977

On motion of Mr. Dow of West Gardiner, referred to Committee on Fisheries and Wildlife. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Pearson of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

RESOLVE, Authorizing and Directing the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to Undertake, to Preserve and to Enhance the Anadromous Fish Runs of the State of Maine.

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

Whereas, Maine is the only state of these United States to have maintained an indigenous run of natural spawning Atlantic salmon ; and

Whereas, the State of Maine, through the mutual efforts of the state environmental protection agencies, industry and the people of the State at large, has an outstanding record of achieving water quality improvements leading to the rehabilitation of many waters of the State as suitable habitat of indigenous anadromous fish, including, but not limited to, Atlantic salmon, shad and alewives ; and

Whereas, many of the dams now impeding the reestablishment of these anadromous fish runs in some of these waters may be obsolete and of no value or readily adaptable to relatively inexpensive fishways ; and

Whereas, the state agencies involved have entered into productive cooperative ventures with the United States Department of the Interior to aid in the reestablishment and expansion of the Atlantic salmon fishery ; and

Whereas, the life cycle of our valuable indigenous anadromous fish encompass both marine and inland waters, making it imperative that the involved

state agencies have cooperative agreements with federal agencies having jurisdiction over both marine and inland fisheries ; and

Whereas, the Federal Government, through its appropriate agencies has undertaken to investigate the possibility of salmon programs for the New England region, with the possibility that the National Marine Fisheries Service will initiate a program to introduce massive numbers of fish of exotic salmon species into our waters that may unduly compete with native anadromous fish or possibly introduce diseases to such fish, particularly the Atlantic salmon ; and

Whereas, our native anadromous fish offer the potential of rich and varied fisheries of both recreational and commercial value to the State and to the region ; 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

Commissioners of Marine Resources and Inland Fisheries and Wildlife are authorized and directed to exercise their respective powers to preserve and enhance Maine's anadromous fish runs. Resolved: That the Commissioners of Marine Resources and Inland Fisheries and Wildlife, in cooperation with the Atlantic Sea Run Salmon Commission, are authorized and directed to use their statutory powers to :

1. **Investigate federal programs.** Diligently investigate pending federal programs regarding the introduction of any exotic salmon species into Maine waters ;
2. **Cooperative agreements.** Enter into new cooperative agreements with the National Marine Fisheries Service as well as the United States Fish and Wildlife Service ;
3. **Negotiate with federal agencies.** Negotiate with the relevant federal agencies with a view to encouraging the development of federal programs that expand and perpetuate the runs of Maine's indigenous anadromous fish, including Atlantic salmon ;
4. **Cooperate in analyzing benefit and cost.** Cooperate in an effort to analyze the benefits and costs of providing for fishways on dams or removing dams impeding the reestablishment or expansion of anadromous fish runs and seek funding for such a program ; and
5. **Propose legislation.** Propose any legislation needed to aid them in carrying out the objectives of this resolve.

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

STATEMENT OF FACT

The purpose of this resolve is reflected in the emergency preamble.