

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No.H-967)
109TH LEGISLATURE
SECOND REGULAR SESSION

CONFERENCE 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 Bill by striking out all of the title and inserting in its place the following:

'AN ACT to Clarify the Jurisdiction of Various State Agencies over Atlantic Salmon.'

Further amend the Bill by striking out everything after the enacting clause and inserting in its 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'Sec. 1. 12 MRSA §6171, sub-§2, first sentence, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place: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 to adopt regulations which may be adopted by 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Sec. 2. 12 MRSA §6253, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place: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 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 other 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 or jurisdiction. The commission may 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 §7035, sub-§1, as last amended by PL 1979, c. 543, §3, is further amended by adding after the 2nd sentence a new sentence to read:

This subsection grants no authority to adopt regulations which may be adopted by the Atlantic Sea Run Salmon Commission under section 6253.

Sec. 4. 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~~ in violation of the provisions of chapter 611 or section 7152.'

Statement of Fact

This amendment is the result of a committee of conference. This amendment clarifies the regulatory power of the Atlantic Sea Run Salmon Commission and establishes clear jurisdictional limits between the commission and the Department of Marine Resources and ^{the Department of} Inland Fisheries and Wildlife. It provides that the Atlantic Sea Run Salmon Commission shall regulate the taking of ~~Salmon~~, while the departments, within their respective jurisdictions, shall regulate the taking of other species for the purpose of conserving Atlantic salmon. This amendment also prohibits the Atlantic Sea Run Salmon Commission from requiring licenses for taking salmon, but does not change the present statutory provisions on salmon licenses or permits. The amendment states the statutory limitations on regulations in statutes relating to all 3 agencies and cross-references them for clarity.