

# MAINE STATE LEGISLATURE

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L.D. 2446

2

(Filing No. S-404)

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STATE OF MAINE

4

SENATE

5

111TH LEGISLATURE

6

SECOND REGULAR SESSION

7

SENATE AMENDMENT "A" to S.P. 908, L.D. 2446,

8

Bill, "AN ACT to Clarify and Make Corrections in the

9

Inland Fisheries and Wildlife Laws."

10

Amend the bill by inserting after section 1 the following:

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'Sec. 2. 12 MRSA c. 702-A is enacted to read:

13

CHAPTER 702-A

14

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

15

§7021. Department established

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There is established the Department of Inland Fisheries and Wildlife to preserve, protect and enhance the inland fisheries and wildlife resources of the State; to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; and to provide for effective management of these resources.

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The department shall consist of a Commissioner of Inland Fisheries and Wildlife, deputy commissioner, Bureau of Administrative Services, Bureau of Resource Management and Bureau of Warden Service. It shall also include the Board of Examiners for the Licensing of Guides, the Junior Maine Guides and Trip Leaders' Curriculum Board and whatever state agencies which shall be designated. The department shall be under the control and supervision of the commissioner.

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§7022. Bureau of Administrative Services

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There shall be the Bureau of Administrative Services within the Department of Inland Fisheries and

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D. OF R.

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1 Wildlife. The bureau shall be equal in organizational  
2 level and status with other major organizational  
3 units within the department or its successors. The  
4 bureau shall be administered by a director who is im-  
5 mediately responsible to the deputy commissioner. The  
6 director shall possess full authority and responsi-  
7 bility for administering all the powers and duties of  
8 the bureau, subject to the direction of the commis-  
9 sioner and except as otherwise provided by statute.  
10 The responsibilities of the bureau shall include, but  
11 not be limited to:

12 1. Financial accounting. The financial account-  
13 ing of all department revenues and expenditures, in-  
14 cluding long-range financial planning and the prepa-  
15 ration of annual and biennial budgets;

16 2. Personnel activities. The administration of  
17 all personnel activities;

18 3. Licensing and registration. The administra-  
19 tion and issuance of department licenses, stamps and  
20 permits and the registration of snowmobiles, water-  
21 craft and all-terrain vehicles;

22 4. Engineering. The design, maintenance and re-  
23 pair of department-owned facilities, including the  
24 preparation of a capital improvement plan to be  
25 printed in the budget document;

26 5. Land acquisition. The acquisition and devel-  
27 opment of land for the protection, preservation and  
28 enhancement of the inland fisheries and wildlife re-  
29 sources; and

30 6. Equipment inventory. The maintenance of a  
31 current inventory of all department-owned or  
32 department-managed property.

33 §7023. Bureau of Resource Management

34 There shall be the Bureau of Resource Management

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1 within the Department of Inland Fisheries and Wild-  
2 life. The bureau shall be equal in organizational  
3 level and status with other major organizational  
4 units within the department or its successors. The  
5 bureau shall be administered by a director who is im-  
6 mediately responsible to the deputy commissioner. The  
7 director shall possess full authority and responsi-  
8 bility for administering all the powers and duties of  
9 the bureau, subject to the direction of the commis-  
10 sioner and except as otherwise provided by statute.  
11 The responsibilities of the bureau shall include, but  
12 not be limited to:

13 1. Wildlife management. The management of the  
14 wildlife resources in the State for their preserva-  
15 tion, protection, enhancement and use;

16 2. Fisheries management. The management of the  
17 inland fisheries resources in the public waters of  
18 the State for their preservation, protection, en-  
19 hancement and use;

20 3. Propagation of fish. The propagation of fish  
21 for the effective management of inland fisheries re-  
22 sources in public waters of the State;

23 4. Habitat management. The management of habitat  
24 for the protection, preservation, enhancement and use  
25 of inland fisheries and wildlife resources;

26 5. Wildlife sanctuaries; wildlife management ar-  
27 reas. The management of wildlife sanctuaries and wild-  
28 life management areas for the State as designated in  
29 chapter 713;

30 6. Data collection. The collection of data for  
31 the effective management of the inland fisheries and  
32 wildlife resources;

33 7. Research. Research activities for the effec-  
34 tive management of the inland fisheries and wildlife  
35 resources;

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1           8. Alteration of rivers, streams and brooks. Ad-  
2 ministration of chapter 713, subchapter VII, Altera-  
3 tion of Rivers, Streams and Brooks; and

4           9. Rules. The development of rules governing the  
5 effective management of the inland fisheries and  
6 wildlife resources of the State.

7           §7024. Bureau of Warden Service

8           There shall be the Bureau of Warden Service with-  
9 in the Department of Inland Fisheries and Wildlife.  
10 It shall be equal in organizational level and status  
11 with other major organizational units within the de-  
12 partment or its successors. The bureau shall be ad-  
13 ministered by a director who is immediately responsi-  
14 ble to the deputy commissioner. The director shall be  
15 the Game Warden Colonel and shall be employed pursu-  
16 ant to section 7034, subsection 2-A, and Title 5,  
17 chapter 59, which are applicable to this position.  
18 The director shall possess full authority and respon-  
19 sibility for administering all the powers and duties  
20 of the bureau, subject to the direction of the com-  
21 missioner and except as otherwise provided by stat-  
22 ute. The responsibilities of the bureau shall in-  
23 clude, but not be limited to:

24           1. Wildlife - fisheries enforcement. Enforcement  
25 of laws and department rules pertaining to the man-  
26 agement and protection of the inland fisheries and  
27 wildlife resources as further designated by section  
28 7053;

29           2. Licensing - registration enforcement. En-  
30 forcement of laws and department rules pertaining to  
31 the registrations and operation of snowmobiles, wa-  
32 tercraft and all-terrain vehicles;

33           3. General enforcement. Enforcement of other  
34 laws or rules as designated by chapters 701 to 721,  
35 or as specified;

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1           4. Search and rescue. The coordination and im-  
2 plementation of all search and rescue operations as  
3 specified under section 7035, subsection 4;

4           5. Safety. The administration of programs for  
5 hunter safety and for the safe operation of snowmo-  
6 biles and watercraft;

7           6. Data collection. The collection of data as  
8 needed for the management and protection of the in-  
9 land fisheries and wildlife resources; and

10          7. Other. Other areas as specified in state law.

11       §7025. Division of Planning

12           There shall be, within the Department of Inland  
13 Fisheries and Wildlife, a Division of Planning which  
14 shall be responsible for developing both short-term  
15 and long-term plans for the preservation, protection,  
16 enhancement and use of inland fisheries and wildlife  
17 resources. The division shall undertake activities as  
18 directed.

19       §7026. Division of Public Information and Education

20           There shall be, within the Department of Inland  
21 Fisheries and Wildlife, a Division of Public Informa-  
22 tion and Education which shall be responsible for the  
23 administration of programs to increase the public's  
24 knowledge and understanding of the inland fisheries  
25 and wildlife resources and the management of these  
26 resources. The division's responsibilities shall in-  
27 clude public education, promotion of the inland fish-  
28 eries and wildlife resources and the dissemination of  
29 information.

30       §7027. Department funds

31           1. Line-item budget. All funds of the department  
32 shall be allocated by the Legislature, in the same

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1 manner as are appropriations from the General Fund,  
2 in a gross unified budget and shall be subject to the  
3 transfer provisions of Title 5, section 1585.

4 2. Unencumbered balances. Any unencumbered allo-  
5 cated balances, including existing balances, shall be  
6 carried forward into the next fiscal year and shall  
7 not be expended without allocation by the Legisla-  
8 ture.

9 3. Revenues. Actual revenues received in excess  
10 of that estimated and allocated by the Legislature  
11 shall not be expended without allocation by the Leg-  
12 islature.

13 4. Cash reserve. The department shall maintain  
14 as practical a cash reserve for the purpose of ensur-  
15 ing an adequate cash flow.

16 5. Bond issue. The department shall submit to  
17 the joint standing committee of the Legislature hav-  
18 ing jurisdiction over inland fisheries and wildlife  
19 plans for a bond issue prior to submission of the  
20 bond issue to the full Legislature.

21 6. Equipment. The department shall notify the  
22 joint standing committee of the Legislature having  
23 jurisdiction over inland fisheries and wildlife of  
24 any heavy equipment purchases prior to their purchase  
25 to include the name of the item and expected cost.  
26 This same information shall be supplied prior to the  
27 purchase of any vehicles. In addition, the depart-  
28 ment shall develop and implement a formal replacement  
29 schedule for the department's radio communication  
30 system. This plan shall be reviewed by the joint  
31 standing committee of the Legislature having juris-  
32 isdiction over inland fisheries and wildlife.'

33 Further amend the bill by renumbering the sec-  
34 tions to read consecutively.

D. OF R.

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STATEMENT OF FACT

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The purpose of this amendment is to correct a  
3 problem caused by overlapping sections in 2 bills be-  
4 fore the Legislature during this session.

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6779041084

6

(Sen. Usher)

7

NAME:

*Ronald Usher*

8

COUNTY: Cumberland

*gle*

Reproduced and Distributed pursuant to Senate Rule 11-A.

April 11, 1984

(S-404)