

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (New Draft of H.P. 30, L.D. 31)
3 FIRST REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 1180

9 H.P. 836

House of Representatives, April 1, 1985

10 Reported by the Majority from the Committee on Marine Resources and
11 printed under Joint Rule 2. Original bill presented by Representative Vose of
12 Eastport. Cosponsored by Representative Callahan of Mechanic Falls and
Representative Moholland of Princeton.

EDWIN H. PERT, Clerk

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-FIVE
18

19 AN ACT Concerning the Distribution of
20 Atlantic Salmon Smolts and the
21 Conservation of Atlantic Salmon.
22

23 Emergency preamble. Whereas, Acts of the Legis-
24 lature do not become effective until 90 days after
25 adjournment unless enacted as emergencies; and

26 Whereas, the aquacultural need for salmon smolt
27 is immediate; and

28 Whereas, substantial economic hardship could re-
29 sult from a failure to act on this issue in the
30 spring of 1985; and

31 Whereas, in the judgment of the Legislature,
32 these facts create an emergency within the meaning of
33 the Constitution of Maine and require the following
34 legislation as immediately necessary for the preser-
35 vation of the public peace, health and safety; now,
36 therefore,

1 Be it enacted by the People of the State of Maine as
2 follows:

3 12 MRSA §6256 is enacted to read:

4 §6256. Allocation of Atlantic salmon smolt

5 1. Allocation permitted. If the commission
6 finds that an applicant for an allocation of
7 state-controlled smolt has made all reasonable ef-
8 forts in good faith to obtain smolt from other
9 sources and has not been able to obtain sufficient
10 smolt from these sources to meet the applicant's
11 needs, the commission may allocate for aquacultural
12 purposes, Atlantic salmon smolt produced or acquired
13 by the State each year. The commission may allocate
14 an amount such that the sum of the smolt allocated by
15 the commission and those obtained by the applicant
16 from other sources does not exceed 15% of the total
17 number of smolt produced or acquired by the State in
18 that year.

19 2. Written contract; compensation. Any agree-
20 ment between the commission and another public or
21 private party to transfer ownership of smolt under
22 this section shall be in the form of a written con-
23 tract and shall provide fair compensation.

24 3. Reduction in smolt distributed to rivers. If
25 an allocation of smolt under this section requires a
26 reduction in the numbers of smolt distributed to the
27 rivers in the restoration program, the reduction for
28 each river shall be proportional and shall be based
29 on each river's original planned share of the total
30 number of smolt distributed.

31 4 Repeal. This section is repealed on January
32 1, 1988.

33 Emergency clause. In view of the emergency cited
34 in the preamble, this Act shall take effect when ap-
35 proved.

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STATEMENT OF FACT

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The new draft allows the commission to allocate a limited amount of salmon smolt to support aquacultural activities if the applicant has made all good faith efforts to obtain smolt from other sources. The commission would be fully compensated for such allocations.

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The new draft also provides an equitable mechanism for sharing any reduction in the number of smolt planned for release in the restoration rivers.

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A 2-year sunset provision is included.

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