

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 16

H.P. 21

House of Representatives, January 25, 1989

Reported by Representative COLES for the Commission on Sport Fisheries pursuant to Resolve 1987, chapters 39 and 101.

Reference to the Joint Standing Committee on Fisheries and Wildlife suggested and printing ordered under Joint Rule 18.

Ed Pert

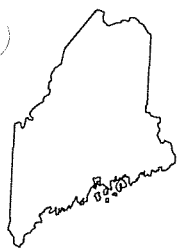
EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

AN ACT Requiring the State to Conduct a Test to Determine Whether Large Freshwater Salmonids can be Grown in the State's Estuarine Waters.

(EMERGENCY)



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

5 Whereas, there has been a very positive reaction by
fishermen in other states to the availability of larger fish in
7 those states; and

9 Whereas, one outcome of this positive reaction has been a
considerable increase in the number of out-of-state fishermen; and

11 Whereas, current studies indicate the importance of the
13 fish and game business to Maine's economy; and

15 Whereas, it is a goal of the State to increase tourism; and

17 Whereas, the state agencies involved feel that there is a
likelihood that large fish can be produced in state waters; and

19 Whereas, it is desirable to get an early start on a program
21 that will require a number of years before it produces results;
and

23 Whereas, in the judgment of the Legislature, these facts
25 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
27 necessary for the preservation of the public peace, health and
safety; now, therefore,

29 **Be it enacted by the People of the State of Maine as follows:**

31 **Sec. 1. 12 MRSA c. 606, sub-c. II is enacted to read:**

33 **SUBCHAPTER II**
35 **FRESHWATER SALMONID RESEARCH**

37 **§6151. Freshwater salmonid research program**

39 The Commissioner of Inland Fisheries and Wildlife and the
41 Commissioner of Marine Resources shall jointly conduct a test
program to determine if above average size rainbow trout and
43 landlocked salmon can be raised in the Kennebec River estuary.

45 1. Rules. There shall be no license required of
individuals to fish for the stocked species in the estuary. In
47 accordance with the Maine Administrative Procedure Act, Title 5,
chapter 375, the commissioners shall promulgate rules governing
49 the size and number of fish that may be kept and fishing
methods. The rules shall be consistent with the objective of the
test to produce large fish.

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2. Native species. The Department of Marine Resources shall monitor the effect of the test stocking on the existing fish population.

3. Timetable. Actual stocking of both species of fish in meaningful quantities shall begin no later than 1991. The Department of Marine Resources shall make a recommendation whether to end this program or to extend it to other estuaries no later than 5 years after the first stocking of fish. The test shall be conducted in a manner that produces data adequate to support the recommendation.

4. Status reports. The Department of Marine Resources shall provide the joint standing committee of the Legislature having jurisdiction over marine resources with a status report on this project by April 1st of each year beginning in 1990.

5. Sunset. This section is repealed on December 31, 1997.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
MARINE RESOURCES, DEPARTMENT OF		
Bureau of Marine Development		

All Other	\$75,000	\$60,000
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Provides \$60,000 in both years of the biennium for the purchase of rainbow trout and landlocked salmon yearlings. Also, this appropriation provides \$15,000 in fiscal year 1989-90 for anticipated contractual services to conduct required data analysis. These funds shall not lapse but shall carry forward to be expended for the purposes cited in this Act.

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

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FISCAL NOTE

This legislation would require a General Fund appropriation to the Department of Marine Resources, Bureau of Marine Development, in the amount of \$75,000 for fiscal year 1989-90 and \$60,000 for fiscal year 1990-91. It is anticipated that this bill would result in a future cost to the General Fund since the program is designed to last approximately 5 years.

STATEMENT OF FACT

This bill requires the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to conduct a test to determine if large fish can be grown by stocking yearling landlocked salmon and rainbow trout in the Kennebec River estuary. If this test is successful, the program would be extended to other river estuaries. Because this is a test and because state hatcheries are currently at capacity, fish for this test will be purchased. The test is to be evaluated both on the basis of its ability to produce the desired fish and the effect of the stocking on fish which are native to the estuary.

Since the raising of yearling fish and the analysis of pretest data take several years, this bill carries a fiscal note only for those activities. The remainder of the test years would be funded through increased appropriations to the Department of Marine Resource's annual budget.