

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2300

H.P. 1660

House of Representatives, February 9, 1990

Reported by Representative CLARK from the Committee on Fisheries and Wildlife and printed under Joint Rule 2.

Ed Pert

EDWIN H. PERT, Clerk

Original bill sponsored by Representative FARREN of Cherryfield. Cosponsored by Representative SMITH of Island Falls, Representative CARROLL of Southwest Harbor and Representative CLARK of Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Improve the Organizational Structure of the Fish and Wildlife Advisory Council.

(NEW DRAFT OF H.P. 1551, L.D. 2149)

(EMERGENCY)



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

4 Whereas, decisions affecting fish and wildlife resources are
6 of vital importance to the citizens of this State; and

8 Whereas, changes in the organizational structure of the
advisory council to the Department of Inland Fisheries and
10 Wildlife are essential to provide Maine citizens with better and
more equitable representation on issues related to fish and
12 wildlife; and

14 Whereas, it is important that these changes be implemented
prior to the adoption of regulations that significantly affect
16 various resource user groups; and

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

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

26 **Sec. 1. 5 MRSA §12004-G, sub-§20, as enacted by PL 1987, c.**
28 **786, §5, is amended to read:**

28	20.	Inland	<u>Inland</u>	\$25/Day	12 MRSA
30		Fisheries and	<u>Fisheries</u>		§7033
		Wildlife	<u>and</u>		§7033-A
32			<u>Wildlife</u>		
			Advisory		
34			Council		
			(to-the		
36			Department		
			of-Inland		
38			Fisheries		
			and-Wildlife)		
40					

42 **Sec. 2. 12 MRSA §7033, as amended by PL 1989, c. 493, §4 and**
c. 503, Pt. B, §64, is repealed.

44 **Sec. 3. 12 MRSA §7033-A is enacted to read:**

46 **§7033-A. Inland Fisheries and Wildlife Advisory Council**

48 **1. Appointment.** The Inland Fisheries and Wildlife Advisory
50 **Council, established by Title 5, section 12004-G, subsection 20,**
to be known as the advisory council, shall consist of 10 members
52 **representing the 16 counties of the State in the following**
manner: one member shall represent Androscoggin County, Kennebec

2 County and Sagadahoc County; one member shall represent Aroostook
3 County; one member shall represent Cumberland County; one member
4 shall represent Franklin County and Oxford County; one member
5 shall represent Hancock County; one member shall represent Knox
6 County, Lincoln County and Waldo County; one member shall
7 represent Penobscot County; one member shall represent
8 Fiscataquis County and Somerset County; one member shall
9 represent Washington County; and one member shall represent York
10 County. Members of the advisory council shall be appointed by
11 the Governor, subject to review by the joint standing committee
12 of the Legislature having jurisdiction over fisheries and
13 wildlife matters and to confirmation by the Legislature. The
14 commissioner shall be a nonvoting ex officio member of the
15 advisory council, but may vote to break a tie.

16 An employee of the department may not serve as a member of the
17 advisory council prior to the expiration of one year from that
18 employee's last day of employment with the department. A
19 Legislator who is a member of the joint standing committee of the
20 Legislature having jurisdiction over fisheries and wildlife
21 matters may not serve as a member of the advisory council prior
22 to the expiration of one year from that Legislator's last day of
23 membership on that committee.

24 2. Length of terms. Appointments must be for a term of 3
25 years and until successors are appointed and qualified. A person
26 may not serve more than 2 consecutive 3-year terms. On the
27 death, resignation or removal from office of any person appointed
28 to the advisory council, the Governor shall appoint a member to
29 serve for the unexpired term.

30 3. Expenses. The members of the advisory council are
31 entitled to compensation as provided in Title 5, chapter 379.

32 4. Duties. The advisory council shall perform the
33 following duties.

34 A. The advisory council shall render to the commissioner
35 information and advice concerning the administration of the
36 department and carry out other duties specifically delegated
37 by chapters 701 to 721.

38 B. The advisory council shall hold regular meetings with
39 the commissioner or the commissioner's deputy in December
40 and May of each year and may hold special meetings at such
41 other times and places as are advisable.

42 C. All regular and special meetings of the advisory council
43 must be public meetings and must be held in a public meeting
44 place convenient for the public.
45

2 D. Public comment must be accepted at regular and special
3 meetings of the advisory council. Comments may be
4 restricted to subjects before the advisory council at the
5 meeting and consistent with any applicable requirements and
6 limitations of the Maine Administrative Procedure Act, Title
7 5, chapter 375.

8 E. Public notice of all regular and special advisory
9 council meetings must be published in a daily newspaper of
10 general circulation, in the geographic area where the
11 meeting is scheduled, at least 7 days and not more than 21
12 days prior to the meeting. That notice must include an
13 agenda or statement of purpose of the meeting. That notice
14 may be combined with any other notice of the meeting
15 required by law.

16
17 5. Officers. At the meeting held in May of each year, the
18 advisory council may elect one member as chair and one member as
19 vice-chair.

20
21 Sec. 4. Transition provision. Persons who are serving a term on
22 the Inland Fisheries and Wildlife Advisory Council at the time
23 this Act becomes effective shall continue to serve until the
24 expiration of their terms. After the effective date of this Act,
25 appointments may be made for any county not then represented on
26 the advisory council, except that the total number of council
27 members may not exceed 10.

28
29 Sec. 5. Appropriation. The following funds are appropriated
30 from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
INLAND FISHERIES AND WILDLIFE,		
DEPARTMENT OF		
Office of the Commissioner		
Personal Services	\$200	\$800
All Other	200	800
To provide funds for		
anticipated per diem and		
related expenses for 2		
additional advisory council		
members.		
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE		
<u>TOTAL</u>	\$400	\$1,600

