

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 755, L.D. 1089, Bill, "An Act to Authorize the Use of Gill Nets by the Penobscot Nation Department of Natural Resources Personnel for Scientific Purposes"

Amend the bill by striking out all of sections 1 and 2 and inserting in their place the following:

'12 MRSA §7774 is enacted to read:

§7774. Penobscot Nation research

Under the direction of its director, the staff of the Department of Natural Resources of the Penobscot Nation may use gill nets for the purpose of scientific fisheries research and management on any waters within, flowing through or adjacent to Penobscot Indian territory as defined in Title 30, section 6205, subsection 2. The authority granted under this section is subject to the following constraints.

1. Gill nets. Both ends of the gill net must be marked with buoys that are clearly visible from a distance of 300 feet and that identify the Department of Natural Resources of the Penobscot Nation as the owner of the net.

2. Results. The results of each netting must be forwarded on a weekly basis to the office of the Commissioner of the Department of Inland Fisheries and Wildlife where the results are available for public inspection.

3. Prohibited acts. Any person who fails to comply with any provision of this section commits a prohibited act punishable as provided in chapter 721.'

Further amend the bill by inserting before the statement of fact the following:

FISCAL NOTE

This bill authorizes the use of gill nets by the Penobscot Indian Nation for the purpose of scientific fisheries research. The Department of Inland Fisheries and Wildlife will experience some minor savings in staff time for no longer having to conduct this research for the Penobscot Nation.

This bill also establishes a Class E crime. The additional work load and administrative costs associated with a minimal number of new cases filed in District Court as a result of the violation will be absorbed within the budgeted resources of the Judicial Department.

Sentences imposed for a Class E offense must be served in a county jail facility. The projected cost to a county for each person sentenced under the new Class E crime is approximately \$3,820 and is based upon an average length of stay of 67 days.'

STATEMENT OF FACT

This amendment restructures the language of the bill for clarity and reassigns the provisions of the allocated law portion of the bill to a more appropriate section of the Maine Revised Statutes.

This amendment explicitly limits the authority of the Department of Natural Resources of the Penobscot Nation in its use of gill nets to waters within, flowing through or adjacent to Penobscot Indian territory. This amendment also removes the requirement that the Penobscot Nation make an annual report to the Joint Standing Committee on Fisheries and Wildlife. This amendment also strikes the sunset clause in the bill.

This amendment also adds a fiscal note to the bill.

Reported by the Committee on Fisheries and Wildlife
Reproduced and distributed under the direction of the Clerk of the House
(5/21/91) (Filing No. H-390)