

# MAINE STATE LEGISLATURE

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L.D. 273

(Filing No. H-271 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 211, L.D. 273, Bill, "An Act to Establish Cod Hatcheries"

Amend the bill by striking out the title and substituting the following:

'An Act Creating the Groundfish Hatchery Study Commission'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, the health and sustainability of the groundfish fishery is essential for the continued economic viability of the fishing industry in Maine; and

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

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

Sec. 1. 12 MRSA c. 621, sub-c. IV is enacted to read:

SUBCHAPTER IV

GROUNDFISH HATCHERY FUND

§6591. Groundfish Hatchery Fund

The Groundfish Hatchery Fund, referred to in this subchapter as the "fund," is established to carry out the purposes of this subchapter.

**COMMITTEE AMENDMENT**

2           1. License surcharge. A surcharge of \$10 is assessed on  
4           each commercial fishing license issued under section 6501 for  
6           calendar year 1994. The commissioner shall deposit the surcharge  
8           collected from each license holder into the fund. The  
10           commissioner shall authorize the expenditure of money in the fund  
          only for expenses approved by the Groundfish Hatchery Study  
          Commission and only for the purposes set forth in section 6592.  
          The commissioner may deposit money received from any other source  
          into the fund.

12           2. Lapsing fund. The fund may lapse once.

14           §6592. Groundfish Hatchery Study Commission

16           The Groundfish Hatchery Study Commission, referred to in  
18           this section as the "commission," is established to study the  
20           groundfish fishery in the State. The commission shall conduct  
          the study in 2 phases. Phase I must be completed by January 1,  
          1994. Phase II must be completed by January 1, 1995.

22           1. Phase I. During Phase I of the study, the commission  
24           shall determine the economic feasibility of producing  
26           hatchery-raised groundfish in the State. The determination must  
28           be based on the hatchery production level required to affect the  
30           fishery and the cost of attaining and sustaining that production  
          level. The commission shall report its findings on Phase I of  
          this study to the joint standing committee of the Legislature  
          having jurisdiction over marine resource matters no later than  
          January 1, 1994.

32           2. Phase II. The commission shall undertake Phase II of  
34           the study only if the production of hatchery-raised groundfish is  
36           determined economically feasible. In Phase II of the study, the  
38           commission shall determine the need for one or more groundfish  
40           hatcheries, the appropriate methods for revitalizing localized  
42           schools of groundfish and the tendency of groundfish to return to  
44           their breeding area. In addition, the commission shall study the  
46           relationship between hatchery-raised groundfish and wild  
          groundfish populations to determine the impact of introducing  
          hatchery-raised groundfish into the groundfish fishery. The  
          commission shall report its findings on Phase II of this study to  
          the joint standing committee of the Legislature having  
          jurisdiction over marine resource matters no later than January  
          1, 1995.

48           3. Funds. In examining the issues under subsections 1 and  
50           2, the commission may use the fund established in section 6591  
          for staffing assistance, consulting expertise or other expenses  
          directly related to the purposes of the commission.

2 **§6593. Membership**

4 The Groundfish Hatchery Study Commission consists of the  
6 commissioner or the commissioner's designee and 12 members  
8 appointed by the commissioner. Five members must be scientists  
10 with expertise in issues pertinent to the duties of the  
commission, 5 members must be groundfish anglers, one member must  
be a representative of the business community and one member must  
be a representative of the environmental community.

12 1. Appointments. The commissioner shall make all  
14 appointments no later than 30 days following the effective date  
16 of this section. When the appointment of all members is  
18 complete, the commissioner shall call and convene the first  
meeting of the Groundfish Hatchery Study Commission no later than  
August 15, 1993. The commissioner shall chair the commission.

20 2. Reimbursement. All appointed members of the Groundfish  
22 Hatchery Study Commission are entitled to receive reimbursement  
for travel and other necessary expenses directly related to  
meetings of the commission.

24 **§6594. Repeal**

26 This subchapter is repealed July 30, 1995. All unencumbered  
28 money in the fund on July 30, 1995 must be deposited into the  
General Fund.

30 **Sec. 2. Working capital advance.** The State Controller is  
32 authorized to advance \$10,000 from General Fund unappropriated  
34 surplus to the Groundfish Hatchery Fund established in the Maine  
36 Revised Statutes, Title 12, section 6591. These funds must be  
38 used to provide the working capital advance necessary for the  
40 Groundfish Hatchery Study Commission to undertake its statutory  
42 duties under the Maine Revised Statutes, Title 12, chapter 621,  
44 subchapter IV. The Commissioner of Marine Resources shall return  
all funds advanced for this purpose to the General Fund no later  
than June 30, 1994. The commissioner shall use the \$10 surcharge  
assessed on commercial fishing licenses issued for calendar year  
1994 under Title 12, section 6591 as the revenue source for  
refunding the working capital advance authorized under this  
section.

46 **Sec. 3. Allocation.** The following funds are allocated from  
Other Special Revenue to carry out the purposes of this Act.

48		1993-94	1994-95
50	MARINE RESOURCES,		
	DEPARTMENT OF		

2 **Groundfish Hatchery Study**  
3 **Commission**

4	All Other	\$20,000	\$20,000
6	Provides allocations to fund		
8	the activities of the		
10	Groundfish Hatchery Study		
	Commission.		

12 **Emergency clause.** In view of the emergency cited in the  
14 preamble, this Act takes effect when approved.

16 **FISCAL NOTE**

18		<b>1993-94</b>	<b>1994-95</b>
20	<b>APPROPRIATIONS/ALLOCATIONS</b>		
22	Other Funds	\$20,000	\$20,000

24 **REVENUES**

26	Other Funds	\$20,000	\$20,000
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28 This bill will add a \$10 surcharge to all commercial fishing  
30 licenses sold for calendar year 1994 to provide funding for the  
32 Groundfish Hatchery Study Commission. These surcharges will  
34 provide estimated dedicated revenues of \$12,000 and \$1,900 for  
36 fiscal years 1993-94 and 1994-95, respectively. In addition, the  
commission is authorized to accept contributions from other  
sources. These amounts may be as much as \$26,100 over the  
biennium.

38 The Groundfish Hatchery Study Commission will require Other  
40 Special Revenue allocations of \$20,000 for each of the fiscal  
42 years 1993-94 and 1994-95 for general operating costs.

44 This bill also provides a working capital advance of \$10,000  
46 from the General Fund to the Groundfish Hatchery Study  
48 Commission. These funds must be paid back by June 30, 1994.'

48 **STATEMENT OF FACT**

50 This amendment replaces the bill. The amendment establishes  
the Groundfish Hatchery Study Commission to study issues relating  
to the groundfish fishery in the State. The study has 2 phases.

## COMMITTEE AMENDMENT "A" to H.P. 211, L.D. 273

2 Phase I of the study focuses on determining the economic  
3 feasibility of producing hatchery-raised groundfish in the  
4 State. The commission must report its Phase I findings to the  
5 Joint Standing Committee on Marine Resources no later than  
6 January 1, 1994. Phase II of the study focuses on other issues  
7 critical to the groundfish fishery, including determining the  
8 need for one or more groundfish hatcheries, the appropriate  
9 methods for revitalizing localized schools of groundfish and the  
10 tendency of groundfish to return to their breeding area. Phase  
11 II also includes a study of the relationship between  
12 hatchery-raised groundfish and wild groundfish populations to  
13 determine the impacts of introducing hatchery-raised groundfish  
14 into the groundfish fishery. The commission must report its  
15 Phase II findings to the Joint Standing Committee on Marine  
16 Resources no later than January 1, 1995.

17 The Groundfish Hatchery Fund and the Groundfish Hatchery  
18 Study Commission are repealed on July 30, 1995. On that date,  
19 any unencumbered money in the fund is deposited into the General  
20 Fund.

21 The Groundfish Hatchery Study Commission is funded by a \$10  
22 surcharge on commercial fishing licenses issued for calendar year  
23 1994. To allow the commission to begin its study immediately,  
24 however, this amendment authorizes the State Controller to  
25 provide a working capital advance of \$10,000 to the commission.  
26 The Commissioner of Marine Resources is required to repay this  
27 working capital advance with revenues raised from the license  
28 surcharge no later than June 30, 1994.

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Reported by the Committee on Marine Resources  
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