

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Mr
R. d. S.

L.D. 1298

DATE: 6/23/95

(Filing No. H-607)

MAJORITY
INLAND FISHERIES AND WILDLIFE

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 922, L.D. 1298, Bill, "An Act to Change the Atlantic Sea Run Salmon Commission"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 3 MRSA §927, sub-§7, ¶B, as amended by PL 1993, c. 585, §1, is further amended to read:

B. Independent agencies:

- (2) ~~Atlantic Sea Run Salmon Commission;~~
- (3) Public Utilities Commission;
- (4) Atlantic States Marine Fisheries Commission;
- (5) Maine Development Foundation;
- (6) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency;
- (7) Lobster Advisory Council;

COMMITTEE AMENDMENT

R d S

COMMITTEE AMENDMENT "A" to H.P. 922, L.D. 1298

- 2 (8) Board of Environmental Protection;
- 4 (9) Board of Underground Oil Storage Tank Installers;
- 6 (10) Telecommunications Relay Services Advisory Council; and
- 8 (11) Public Advocate; and
- 10 (12) Atlantic Salmon Authority;

Sec. 2. 5 MRSA §12004-G, sub-§20-A is enacted to read:

14	<u>20-A.</u>	<u>Atlantic</u>	<u>\$25/Day</u>	<u>12 MRSA</u>
16	<u>Inland</u>	<u>Salmon</u>	<u>Plus</u>	<u>\$9901</u>
18	<u>Fisheries and</u>	<u>Authority</u>	<u>Expenses</u>	
	<u>Wildlife</u>			

20 Sec. 3. 5 MRSA §12004-G, sub-§26-B, as renumbered by RR 1993,
22 c. 1, §10, is repealed.

24 Sec. 4. 12 MRSA §6071, sub-§1, as enacted by PL 1977, c. 661,
§5, is amended to read:

26 1. **Live importing prohibited.** ~~It shall be~~ Except for
28 Atlantic salmon imported by the Atlantic Salmon Authority under
30 Part 12, it is unlawful to introduce or import for introduction
32 into any coastal waters any live marine organism or to possess
any of those introduced or imported organisms without a permit
issued by the commissioner.

34 Sec. 5. 12 MRSA §6071, sub-§4, as amended by PL 1993, c. 562,
§1, is further amended to read:

36 4. **Salmon imports prohibited.** ~~It~~ Except as provided in
38 this subsection and section 9906, it is unlawful to import for
40 introduction into any waters of the State any Atlantic salmon,
live or as eggs, that originate in any Icelandic or European
42 territorial waters or any other species of salmon, exclusive of
rainbow trout, originating west of the North America continental
44 divide. The commissioner may grant an exemption from the
provisions of this subsection for a term not to exceed 2 years,
46 renewable upon application, for legitimate ~~research~~ aquacultural
projects. ~~Legitimate research does not include pilot,~~
~~demonstration or full-scale aquaculture production of salmon in~~
~~the coastal waters of the State.~~

48 Sec. 6. 12 MRSA c. 611, as amended, is repealed.

COMMITTEE AMENDMENT

R. d. S.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

Sec. 7. 12 MRSA §6553, as amended by PL 1987, c. 690, §§9 to 11, is repealed.

Sec. 8. 12 MRSA §7552, first ¶ as amended by PL 1993, c. 155, §1, is further amended to read:

Except as provided in subsection 5-A and Part 12 and except as the commissioner may by rule provide, the following are the open seasons for fishing in the State. All opening and closing dates are inclusive.

Sec. 9. 12 MRSA §7552, sub-§5-A, ¶D, as enacted by PL 1993, c. 155, §3, is amended to read:

D. The commissioner by rule shall extend the open-water fishing season through the month of November in lakes and ponds that are managed primarily for warm water sport fish in the following counties: Androscoggin, Cumberland, Hancock, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, Washington and York. Rules adopted under this paragraph may include provisions that establish catch-and-release-only restrictions on landlocked salmon, trout, togue and bass.

Sec. 10. 12 MRSA §7603, as enacted by PL 1979, c. 420, §1, is amended to read:

§7603. Illegal fishing for Atlantic salmon

A person is guilty of illegal fishing for Atlantic salmon if he that person fishes for Atlantic sea run salmon in violation of the provisions of ~~chapter-611~~ Part 12.

Sec. 11. 12 MRSA §7675, as enacted by PL 1991, c. 679, is amended to read:

§7675. Aquaculture stock

1. **Acceptance of stock.** The ~~Atlantic--Sea--Run--Salmon Commission~~ Atlantic Salmon Authority may accept salmon stock that are offered at no charge from commercial aquaculture hatcheries for release into state rivers subject to rules developed by the ~~Atlantic-Sea-Run-Salmon-Commission~~ Atlantic Salmon Authority.

2. **Rules.** The ~~Atlantic-Sea-Run-Salmon-Commission~~ Atlantic Salmon Authority shall adopt rules to implement this section. They must, at a minimum:

A. Ensure that no negative impact on existing gene pools results from the release of aquaculturally raised salmon;

- 2 B. Prohibit introduction of exotic species from the release
- 4 of aquaculturally raised salmon;
- 6 C. Establish stock disease testing and monitoring
- 8 procedures; and
- 10 D. Establish maximum stocking levels in state rivers.
- 12 Notwithstanding subsection 1, the ~~Atlantic-Sea-Run-Salmon~~ Commission Atlantic Salmon Authority is not required to
- 14 accept salmon stock if maximum stocking levels are achieved,
- 16 as long as those levels are maintained.

14 ~~By March 1, 1993, the Atlantic-Sea-Run-Salmon-Commission~~
 16 ~~shall report on this program to the joint-standing-committee of~~
 18 ~~the-Legislature-having-jurisdiction-over-marine-resource-matters.~~

18 **Sec. 12. 12 MRSA Part 12 is enacted to read:**

20 **PART 12**

22 **ATLANTIC SALMON AUTHORITY**

24 **CHAPTER 811**

26 **GENERAL PROVISIONS**

28 **§9901. Atlantic Salmon Authority**

30 **1. Authority established; purposes.** The Atlantic Salmon

32 Authority, referred to in this Part as the "authority," is

34 established to manage the Atlantic salmon fishery in the State

36 and to conduct and coordinate all projects involving research,

38 planning, management, restoration or propagation of the Atlantic

40 salmon.

36 **2. Members.** The authority is governed by the Atlantic

38 Salmon Board, referred to in this chapter as the "board". The

40 board consists of 8 members appointed by the Governor. The

42 Governor may appoint those members from among names recommended

44 by affiliate clubs of the Maine Council of the Atlantic Salmon

46 Federation, the Penobscot Nation or the Passamaquoddy Tribe. The

48 board consists of the following members:

46 A. One member who resides within the land area comprising

48 the Penobscot River drainage;

48 B. One member who resides within the land area comprising

50 the Saco River drainage;

2 C. One member who resides in Aroostook County;

4 D. One member who resides within those land areas that
6 comprise the drainage for the St. Croix, East Machias,
 Machias, Narraguagus, Pleasant, Ducktrap, Dennys or
 Sheepscot rivers;

8 E. One member of the Passamaquoddy Tribe;

10 F. One member of the Penobscot Nation;

12 G. The Commissioner of Marine Resources; and

14 H. The Commissioner of Inland Fisheries and Wildlife.

16 All appointments under this subsection are for a period of 5
18 years, except that the first initial appointments, under
20 paragraphs A to D, of the Governor have terms of 1, 2, 3 and 4
22 years, respectively. All appointments under this subsection are
24 subject to confirmation by the joint standing committee of the
 Legislature having jurisdiction over inland fisheries and
 wildlife matters. A person may not be appointed to the board or
 continue to serve as a member of the board if that person is a
 state employee.

26 3. Compensation. Board members are entitled to
28 compensation as provided in Title 5, chapter 379.

30 4. Chair. The board shall elect annually a chair from
32 among its members, except that neither appointed commissioner may
 serve as chair. The chair shall direct the administrative and
 financial matters of the authority.

34 5. Meetings. The chair shall call all meetings of the
36 board. The board shall conduct its business in public meetings
38 in accordance with Title 1, sections 401 to 406. A quorum of 3
40 members is required to conduct business and the affirmative vote
42 of at least 3 members of the board is required for board
 actions. The board may delegate to any of its members or to the
 staff of the authority any routine business that the board
 determines necessary to carry out its purposes.

44 6. Staff. Subject to appropriation or allocation and in
46 accordance with the Civil Service Law, staff may be hired to
 carry out the work of the authority. Hiring and management of
 the staff is the responsibility of the board.

48 **§9902. Powers**

R d S.

2 Notwithstanding any other provision of Title 12, the
3 authority has the sole authority and responsibility to manage the
4 Atlantic salmon fishery in the State, including the sole
5 authority to introduce Atlantic salmon into Maine waters, limit
6 or prohibit the taking of Atlantic salmon, issue licenses for the
7 taking of Atlantic salmon and adopt rules establishing the time,
8 place and manner of Atlantic salmon fishing in all waters of the
9 State. In addition to these powers and duties, the authority may:

10 1. Programs. Conduct research, publish and disseminate
11 information and plan, report and implement programs necessary for
12 the purposes of managing Atlantic salmon fisheries;

14 2. Contracts and agreements. Subject to the applicable
15 provisions of Title 5, sections 1811 to 1824 and other
16 requirements of state law, enter into any contracts, agreements
17 or other arrangements with public agencies and with private
18 parties that the authority finds necessary to carry out its
19 purposes;

20 3. Funding. Subject to other applicable requirements of
21 state law, receive and expend funds from any source, public or
22 private, that the authority finds necessary to carry out its
23 purposes. Any funds received must be placed in a nonlapsing,
24 separate account established by the Treasurer of State, to be
25 expended by the authority for the purposes stated in this section;

28 4. Rules. Adopt rules necessary to manage the Atlantic
29 salmon fishery and to promote the conservation and propagation of
30 the Atlantic salmon. Rules adopted by the authority must be
31 enforced by the Department of Marine Resources, the Department of
32 Inland Fisheries and Wildlife and other public officials
33 authorized by law to enforce marine resource laws or inland
34 fisheries and wildlife laws; and

36 5. Property. Subject to other applicable requirements of
37 state law, acquire, install, construct, operate, manage, sell and
38 convey interests in real and personal property, including,
39 without limitation, lands, dams, buildings, facilities,
40 structures, flowage rights, mill privileges, easements and
41 rights-of-way, as the authority finds necessary to carry out its
42 purposes, provided that prior rights of municipalities are not
43 affected by the requirements.

44 **§9903. Head of tide; Union River**

46 Notwithstanding any other provision of law, for the purposes
47 of this Part, head of tide on the Union River, Hancock County, is
48 designated as that point on the downstream side where the highway
49 bridge on U.S. Route 1 crosses the river in the City of Ellsworth.
50

P. of S.

2 **§9904. Atlantic salmon license**

4 **1. License required.** Except as otherwise provided in this
6 section, a person may not fish for, take, possess, ship or
8 transport Atlantic salmon taken from any state waters without a
current Atlantic salmon license issued by the authority.

10 **2. License fees.** The authority shall issue Atlantic salmon
12 licenses to fish for Atlantic salmon in inland and coastal waters
of the State in accordance with the following provisions.

14 **A. The fee for an Atlantic salmon license is \$15 for a
resident.**

16 **B. The fee for an Atlantic salmon license for any
nonresident is as follows:**

18 **(1) For a season license for a nonresident 16 years of
20 age or older, \$30;**

22 **(2) For a 3-day license for a nonresident 16 years of
24 age or older, \$15. This license may not be exchanged
for a season license; and**

26 **(3) For a nonresident under 16 years of age, \$5.**

28 **C. Members of Maine's Indian tribes and Maine residents
30 under 16 years of age are exempt from any fee.**

32 **3. License limitations and validation.** A person may not
34 purchase more than one Atlantic salmon license in any single
calendar year for that person's use. Immediately after issuance
of an Atlantic salmon license, the purchaser must sign it in the
space provided. An unsigned license is considered invalid.

36 **4. Tags.** Any Atlantic salmon taken from inland or coastal
38 waters must be immediately tagged with a tag bearing the license
number of the person who caught the fish or must be tagged as
40 provided in section 9905, subsection 5. Five tags must be issued
with each Atlantic salmon license except that only one tag may be
42 issued with a license issued under this section. It is unlawful
for any person to possess, sell, give away, accept as a gift,
44 offer for transportation or transport an Atlantic salmon that has
not been lawfully tagged.

46 **5. Replacement Atlantic salmon; additional tags.**
48 Notwithstanding any other provision of law, the first person in a
season who, in cooperation with the authority, the Department of
50 Marine Resources or the Department of Inland Fisheries and

R. d. S.

COMMITTEE AMENDMENT "A" to H.P. 922, L.D. 1298

2 Wildlife, presents an Atlantic salmon for shipment to the
3 President of the United States is entitled to take one additional
4 Atlantic salmon and be issued, at no cost, one additional tag
5 bearing that person's license number.

6 6. Atlantic salmon; possession, buying or selling. A
7 person may not possess, buy or sell Atlantic salmon unless each
8 fish is clearly identified by one of the following methods:

10 A. Tagged with an Atlantic salmon tag provided by the
11 authority if caught in Maine waters;

12 B. Tagged with a New Brunswick, Quebec, Nova Scotia or
13 Newfoundland-Labrador Atlantic salmon tag if imported from
14 those Canadian provinces;

15 C. Identified by a sales receipt less than 24 hours old;

16 D. For wholesale and retail seafood dealers, identified by
17 a bill of sale indicating numbers of fish purchased, dates
18 of purchase and point of origin of all fish purchased; or

19 E. Tagged as provided in this Part.

20 7. Exceptions. This section does not apply to a person
21 licensed to engage in the aquaculture of Atlantic salmon, except
22 that, that person shall report to the authority the number,
23 weight and locations sold to, of all Atlantic salmon within the
24 authority's jurisdiction. The authority shall maintain those
25 records as confidential documents.

26 8. Agent's fee. Any clerk or agent appointed by the
27 authority to issue an Atlantic salmon license shall retain \$1 for
28 each license issued.

29 9. Use of license fees. All license fees must be used by
30 the authority for purposes of conservation and management of the
31 Atlantic salmon in this State.

32 10. Duplicates. The authority or its agents shall issue a
33 duplicate license to any person whose license was accidentally
34 lost or destroyed. The fee for a replacement license is \$1, all
35 of which is retained by the issuing agent. Atlantic salmon tags
36 bearing the license number of a lost or destroyed license are
37 invalid.

38 11. Fishing in inland waters. When fishing in inland
39 waters, the holder of a license authorized under this section is
40 subject to all the provisions of chapters 701 to 721.

50

R & S.

§9905. Registration of Atlantic salmon

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

Except as provided in subsection 4, a person may not possess, ship or transport an Atlantic salmon that has not been properly registered according to the provisions of this section by the person who killed the fish.

1. Time period. A person who kills Atlantic salmon shall present the Atlantic salmon for registration within 12 hours. The Atlantic salmon must be registered at the first open Atlantic salmon registration station on the route taken by the person who kills the fish.

2. Information requirements. The person who kills the fish must register the fish in the person's own name. Information concerning each Atlantic salmon registered must be reported accurately and truthfully.

3. Possession of unlabeled parts prohibited. A person may not possess any part of an Atlantic salmon taken from the inland or coastal waters of this State unless each part is plainly labeled with the name and address of the person who registered the fish, except that a person may possess a fish properly identified under this Part.

4. Exemptions. The following are exempt from the registration requirements of this section:

- A. Atlantic salmon imported from outside the State;
- B. Atlantic salmon imported by taxidermists solely for taxidermy purposes; and
- C. Atlantic salmon raised by means of aquaculture.

5. Recreational fishing provision. A person engaged in recreational fishing who takes an Atlantic salmon shall affix to each fish an identification tag designating the date, location and name of the person who caught the fish. The person shall notify the authority within 24 hours of that person's first landfall providing all information the authority may require.

§9906. Atlantic salmon imports; exemption from prohibition for fisheries enhancement

The authority may grant an exemption from the provisions of section 6071, subsection 4, for Atlantic salmon, live or eggs, imported for the purpose of enhancing the State's Atlantic salmon fisheries.

R. & S.

§9907. Atlantic salmon; limits; method of taking; closed season

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

Unless otherwise provided by rule adopted by the authority, a person may not:

1. Minimum length. Take or possess Atlantic salmon that are less than 14 inches in total length;

2. Method of taking. From May 1st to October 15th, take Atlantic salmon in Maine waters by means other than hook and line with an unweighted salmon fly. An Atlantic salmon taken by any other means must be immediately released;

3. Closed season. From October 16th to April 30th, take Atlantic salmon from Maine waters by any means;

4. Bag limit. Take more than one Atlantic salmon in one day from Maine waters. No more than 5 Atlantic salmon per person may be taken annually from all waters of the State; or

5. Disposition. Sell or offer for sale any Atlantic salmon taken from Maine waters, except Atlantic salmon lawfully raised by means of aquaculture.

Sec. 13. 38 MRSA §480-B, sub-§10, as amended by PL 1993, c. 296, §1, is further amended to read:

10. Significant wildlife habitat. "Significant wildlife habitat" means the following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource: habitat, as defined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the ~~Atlantic-Sea-Run-Salmon-Commission~~ Atlantic Salmon Authority; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

Sec. 14. 38 MRSA §480-U, sub-§2, ¶A, as corrected by RR 1991, c. 1, §57, is amended to read:

A. The application must contain written certification by a knowledgeable professional that the cranberry cultivation

COMMITTEE AMENDMENT "A" to H.P. 922, L.D. 1298

2 project will not be located in a wetland that has one or
more of the following characteristics:

4 (1) Is a coastal wetland or is located within 250 feet
of a coastal wetland;

6 (2) Is a great pond;

8 (3) Contains endangered or threatened plant species
10 listed under Title 5, section 3315;

12 (4) Contains any type of palustrine natural community
of which there are 20 or fewer occurrences in the State;

14 (5) Contains any of the following resources:

16 (a) Habitat for species appearing on the official
18 state or federal lists of endangered or threatened
species when there is evidence that the species is
20 present;

22 (b) As defined by rule by the Commissioner of
Inland Fisheries and Wildlife, whether or not the
24 resource has been mapped, high-value and
moderate-value deer wintering areas; deer travel
26 corridors; high-value and moderate-value waterfowl
or wading bird habitats, including nesting and
28 feeding areas; shorebird nesting, feeding or
staging areas; or seabird nesting islands; or

30 (c) Critical spawning and nesting areas for
32 Atlantic sea run salmon as defined by rule by the
~~Atlantic-Sea-Run-Salmon-Commission~~ Atlantic Salmon
34 Authority whether or not mapped;

36 (6) Is located within 250 feet of the normal high
water line and within the same watershed of any lake or
38 pond classified as GPA under section 465-A;

40 (7) Is a bog dominated by ericaceous shrubs, sedges
and sphagnum moss and usually having a saturated water
42 regime, except that applications proposing reclamation
of previously mined peat bogs may be considered;

44 (8) Is land adjacent to the main stem of a major
46 river, as classified in section 467, that is inundated
with floodwater during a 100-year flood event and that
48 under normal circumstances supports a prevalence of
wetland vegetation, typically adapted for life in
50 saturated soils; or

COMMITTEE AMENDMENT

R. & S.

COMMITTEE AMENDMENT "A" to H.P. 922, L.D. 1298

2 (9) Contains at least 20,000 square feet of aquatic
4 vegetation, emergent marsh vegetation or open water,
6 except for man-made ponds or impoundments, during most
8 of the growing season in most years; except that
cranberry cultivation is allowed more than 250 feet
from the edge of the area of aquatic vegetation,
emergent marsh vegetation or open water.

10 A project to cultivate indigenous cranberries may be located
12 in wetlands described in subparagraphs (6) and (7) only if
14 the project location is a natural cranberry bog and
16 provisions of paragraph D are met. For purposes of this
18 paragraph, "natural cranberry bog" means an area with
indigenous large cranberries, *Vaccinium macrocarpon* Ait.,
comprising more than 50% of the cover in the herbaceous
layer; and "cover in the herbaceous layer" means all
herbaceous or woody vegetation less than 10 inches in height.

20 **Sec. 15. 38 MRSA §636, sub-§7, ¶B**, as affected by PL 1989, c.
22 .890, Pt. A, §40 and amended by Pt. B, §189, is further amended to
read:

24 B. Whether the project will result in significant benefit
26 or harm to fish and wildlife resources. In making its
28 determination, the department shall consider other existing
30 uses of the watershed and fisheries management plans adopted
by the Department of Inland Fisheries and Wildlife, the
Department of Marine Resources and the Atlantic--Sea--Run
Salmon-Commission Atlantic Salmon Authority;

32 **Sec. 16. Appropriation.** The following funds are appropriated
34 from the General Fund to carry out the purposes of this Act.

	1995-96	1996-97
ATLANTIC SALMON AUTHORITY		
Atlantic Salmon Authority		
Positions- Legislative Count	(2.0)	(2.0)
Personal Services	\$71,463	\$94,972
All Other	10,767	14,758

44 Provides funds to reflect the
46 elimination of the Atlantic
48 Sea Run Salmon Commission and
50 the subsequent establishment
of the Atlantic Salmon
Authority.

R. d. S.

COMMITTEE AMENDMENT "A" to H.P. 922, L.D. 1298

2	ATLANTIC SALMON AUTHORITY		
	TOTAL	<u>\$82,230</u>	<u>\$109,730</u>
4			
6	ATLANTIC SEA RUN SALMON COMMISSION		
8	Atlantic Sea Run Salmon Commission		
10	Positions- Legislative Count	(-2.0)	(-2.0)
	Personal Services	(\$71,463)	(\$94,972)
12	All Other	(10,767)	(14,758)
14			
16	Deappropriates funds to		
	reflect the elimination of		
18	the Atlantic Sea Run Salmon		
	Commission and the subsequent		
20	establishment of the Atlantic		
	Salmon Authority.		
22	ATLANTIC SEA RUN SALMON COMMISSION		
	TOTAL	<u>(\$82,230)</u>	<u>(\$109,730)</u>
24			
26	Sec. 17. Allocation. The following funds are allocated from		
	the Federal Expenditure Fund to carry out the purposes of this		
28	Act.		
		1995-96	1996-97
30			
32	ATLANTIC SALMON AUTHORITY		
34	Atlantic Salmon Authority		
	Positions - Other Count	(7.0)	(7.0)
36	Personal Services	\$247,981	\$330,916
	All Other	70,636	95,699
38			
40	Allocates funds to reflect		
	the elimination of the		
42	Atlantic Sea Run Salmon		
	Commission and the subsequent		
44	establishment of the Atlantic		
	Salmon Authority.		
46	ATLANTIC SALMON AUTHORITY		
	TOTAL	<u>\$318,617</u>	<u>\$426,615</u>
48			
50	ATLANTIC SEA RUN SALMON COMMISSION		

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 922, L.D. 1298

2 Atlantic Sea Run Salmon Commission

4	Positions- Other Count	(-7.0)	(-7.0)
	Personal Services	(\$247,981)	(\$330,916)
6	All Other	(70,636)	(95,699)

8 Deallocation funds to reflect
 10 the elimination of the
 12 Atlantic Sea Run Salmon
 Commission and the subsequent
 establishment of the Atlantic
 Salmon Authority.

14	ATLANTIC SEA RUN SALMON		
16	COMMISSION		
	TOTAL	<u>(\$318,617)</u>	<u>(\$426,615)</u>

18 **Sec. 18. Allocation.** The following funds are allocated from
 20 Other Special Revenue to carry out the purposes of this Act.

22		1995-96	1996-97
----	--	----------------	----------------

24 ATLANTIC SALMON AUTHORITY

26 Atlantic Salmon Authority

28	Positions- Other Count	(1.0)	(1.0)
	Personal Services	\$13,940	\$18,120
30	All Other	3,590	5,253

32 Allocates funds to reflect
 34 the elimination of the
 Atlantic Sea Run Salmon
 Commission and the subsequent
 36 establishment of the Atlantic
 Salmon Authority.

38	ATLANTIC SALMON AUTHORITY		
40	TOTAL	<u>\$17,530</u>	<u>\$23,373</u>

42 ATLANTIC SEA RUN SALMON COMMISSION

44 Atlantic Sea Run Salmon Commission

46	Positions- Other Count	(-1.0)	(-1.0)
48	Personal Services	(\$13,940)	(\$18,120)
	All Other	(3,590)	(5,253)

50

R. & S.

COMMITTEE AMENDMENT "A" to H.P. 922, L.D. 1298

2 Deallocates funds to reflect
the elimination of the
4 Atlantic Sea Run Salmon
Commission and the subsequent
6 establishment of the Atlantic
Salmon Authority.

8	ATLANTIC SEA RUN SALMON		
	COMMISSION		
10	TOTAL	<u>(\$17,530)</u>	<u>(\$23,373)</u>

12 **Sec. 19. Transition provisions.**

14 1. Notwithstanding the provisions of the Maine Revised
Statutes, Title 5, all accrued expenditures, assets, liabilities,
16 balances or appropriations, allocations, transfers, revenues or
other available funds in an account or subdivision of an account
18 of the Atlantic Sea Run Salmon Commission are transferred to the
Atlantic Salmon Authority.

20 2. All rules adopted by the Atlantic Sea Run Salmon
22 Commission are deemed to be rules adopted by the Atlantic Salmon
Authority and remain in effect until rescinded, revised or
24 amended by the Atlantic Salmon Authority. Those provisions of
the open water fishing rules adopted by the Department of Inland
26 Fisheries and Wildlife and those provisions of rules adopted by
the Department of Marine Resources that regulate the importation
28 or stocking of Atlantic salmon or the time, manner or location of
fishing for Atlantic salmon in inland or coastal waters are
30 deemed to be rules adopted by the Atlantic Salmon Authority and
remain in effect until rescinded, revised or amended by the
32 Atlantic Salmon Authority.

34 3. Members of the Atlantic Sea Run Salmon Commission on the
effective date of this Act are entitled to remain as members of
36 the Atlantic Salmon Board until their successors are appointed.

38 4. The Atlantic Salmon Authority is the successor in every
way to the Atlantic Sea Run Salmon Commission.

40 5. The Governor, the President of the Senate and the
42 Speaker of the House of Representatives shall make all
appointments required by this Act not later than 30 days after
44 the effective date of this Act.

46 6. On the effective date of this Act, all position counts,
appropriations and allocations to the former Atlantic Sea Run
48 Salmon Commission are transferred to the Atlantic Salmon
Authority and become position counts, appropriations and
50 allocations of the Atlantic Salmon Authority. On and after the

COMMITTEE AMENDMENT

2 effective date of this Act, the Department of Inland Fisheries
and Wildlife shall continue to provide the Atlantic Salmon
4 Authority with the same level of administrative support that the
department provided to the former Atlantic Sea Run Salmon
Commission.

6
7. Not later than January 1, 1996, the Chair of the
8 Atlantic Salmon Board shall submit a report to the Joint Standing
Committee on Inland Fisheries and Wildlife. The report must
10 include the board's plan for managing the Atlantic salmon fishery
in the State and any statutory recommendations pertaining to
12 staffing or budget matters that the board determines necessary to
implement that plan. The Joint Standing Committee on Inland
14 Fisheries and Wildlife may report out legislation to the Second
Regular Session of the 117th Legislature to implement the
16 statutory recommendations of the board.'

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

20
22 **FISCAL NOTE**

24 The elimination of the Atlantic Sea Run Salmon Commission
will require General Fund deappropriations of \$82,230 and
\$109,730 in fiscal years 1995-96 and 1996-97, respectively. The
26 establishment of the Atlantic Salmon Authority will require
corresponding General Fund appropriations for the biennium.
28 Similarly, repeal of the commission will require deallocations of
\$318,617 and \$426,615 from the Federal Expenditures Fund and
30 \$17,530 and \$23,373 from Other Special Revenue Funds for fiscal
years 1995-96 and 1996-97, respectively, with corresponding
32 allocations to the authority.

34 The Atlantic Salmon Authority will incur some minor
additional costs to submit a required report to the Legislature
36 which may include staffing and funding recommendations. These
costs can be absorbed within the authority's existing budgeted
38 resources. In addition, the results of this report may indicate
the need for changes in authorized funding levels for the
40 authority. Neither the types of funding nor the exact amounts
can be determined at this time.'

42
44 **STATEMENT OF FACT**

46 The amendment abolishes the Atlantic Sea Run Salmon
Commission and in its place establishes the Atlantic Salmon
48 Authority. The Atlantic Salmon Authority is governed by an
8-member board consisting of 4 public members representing
50 various geographical regions of the State, one member from the

COMMITTEE AMENDMENT **A** " to H.P. 922, L.D. 1298

2 Passamaquoddy Tribe, one member from the Penobscot Nation, the
 3 Commissioner of Inland Fisheries and Wildlife and the
 4 Commissioner of Marine Resources. Members may be selected from
 5 among names submitted by organizations listed as affiliates of
 6 the Atlantic Salmon Authority, the Passamaquoddy Tribe and the
 7 Penobscot Nation. All appointments are subject to confirmation
 8 by the Joint Standing Committee on Inland Fisheries and
 9 Wildlife. State employees may not be appointed and may not serve
 10 on the Atlantic Salmon Board.

11 The amendment establishes the Atlantic Salmon Authority as
 12 the agency having sole authority over management of the Atlantic
 13 salmon fishery in the State. Authority to manage landlocked
 14 salmon remains with the Department of Inland Fisheries and
 15 Wildlife as do all powers to regulate the importation of salmon,
 16 live or eggs, used in aquaculture, but all powers to manage or
 17 regulate the Atlantic salmon fishery previously held by the
 18 Department of Inland Fisheries and Wildlife or the Department of
 19 Marine Resources is transferred to the Atlantic Salmon
 20 Authority. The amendment gives the Atlantic Salmon Authority the
 21 sole authority to introduce or authorize the introduction of
 22 Atlantic salmon into state waters for the purpose of enhancing
 23 the Atlantic salmon fishery, to limit or prohibit the taking of
 24 Atlantic salmon, to issue licenses and to adopt rules
 25 establishing the time, place and manner of Atlantic salmon
 26 fishing in inland and coastal waters. The Atlantic Salmon
 27 Authority inherits all other powers and duties held by the former
 28 Atlantic Sea Run Salmon Commission.

29 Transition provisions in the amendment require the Governor,
 30 the President of the Senate and the Speaker of the House of
 31 Representatives to make all appointments to the Atlantic Salmon
 32 Board within 30 days after the effective date of this Act. The
 33 Department of Inland Fisheries and Wildlife is required to
 34 continue to provide administrative support to the Atlantic Salmon
 35 Authority and the authority is required to report to the
 36 Legislature in January 1996. That report must include the
 37 authority's plan for managing the State's Atlantic salmon fishery
 38 and any statutory recommendations on staffing or budget issues
 39 the authority determines necessary to implement that plan.

40 The amendment also adds appropriation and allocation
 41 sections that transfer the existing position counts and
 42 appropriations and allocations of the former Atlantic Sea Run
 43 Salmon Commission to the newly created Atlantic Salmon Authority.

COMMITTEE AMENDMENT