

MAINE STATE LEGISLATURE

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R 48

L.D. 1464

DATE: 6/21/95

(Filing No. H- 569)

MINORITY
MARINE RESOURCES

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

COMMITTEE AMENDMENT "A" to H.P. 1045, L.D. 1464, Bill, "An Act to Preserve Fishing Stocks"

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, it is in the State's interest to have wide-ranging authority over Maine's fisheries; and

Whereas, the Groundfish Hatchery Fund will be repealed July 30, 1995 unless the date is altered by law; and

Whereas, although no additional dollars will be credited to the fund, a balance exists which may be used to implement the hatchery raising of groundfish; 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 §6001, sub-§6, as enacted by PL 1977, c. 661, §5, is amended to read:

COMMITTEE AMENDMENT

R. 013

6. Coastal waters. "Coastal waters" means all waters of the State within the rise and fall of the tide ~~and within the marine limits of the jurisdiction of the State~~ and extending out to 12 nautical miles from the line of ordinary low water, but it does not include areas above any fishway or dam when the fishway or dam is the dividing line between tidewater and fresh water.

Sec. 2. 12 MRSA §6022, sub-§12, as enacted by PL 1977, c. 661, §5, is amended to read:

12. Rule. The commissioner may ~~make regulations~~ adopt rules as authorized by marine resources' laws. Except as otherwise specifically provided by law or by rule, rules adopted by the commissioner apply to all activities occurring in the coastal waters of the State as defined in section 6001, subsection 6. To the extent consistent with law, the commissioner may adopt different rules for any zones created within the coastal waters.

Sec. 3. 12 MRSA §6591, sub-§2, as enacted by PL 1993, c. 194, §1, is repealed.

Sec. 4. 12 MRSA §6591, sub-§3 is enacted to read:

3. Balance carried forward. Unexpended balances in the fund at the end of the fiscal year may not lapse but must be carried forward.

Sec. 5. 12 MRSA §6594, as enacted by PL 1993, c. 194, §1, is amended to read:

§6594. Repeal

This subchapter is repealed July 30, 1995 1996. All unencumbered money in the fund on July 30, ~~1995~~ 1996 must be deposited into the General Fund.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1995-96	1996-97
MARINE RESOURCES, DEPARTMENT OF		
Marine Patrol - Bureau of		
Positions- Legislative Count	(10.5)	(10.5)
Personal Services	\$399,945	\$519,929
All Other	186,000	186,000
Capital Expenditures	255,000	100,000

Page

COMMITTEE AMENDMENT "A" to H.P. 1045, L.D. 1464

2 Provides funds for one Marine
4 Patrol Deputy Chief position,
6 one Marine Patrol Specialist
8 position, 8 Marine Patrol
10 Officer positions, one
12 half-time Clerk Typist III
position and operating and
capital expenses necessary
for expanding the enforcement
area of the State's coastal
waters.

14 **DEPARTMENT OF MARINE RESOURCES**
16 **TOTAL** \$840,945 \$805,929

18 **Sec. 7. Allocation.** The following funds are allocated from
Other Special Revenue to carry out the purposes of this Act.

20 **1995-96**

22 **MARINE RESOURCES, DEPARTMENT OF**

24 **Groundfish Hatchery Study**

26 All Other \$20,077

28 Allocates funds for the continuation of the
30 Groundfish Hatchery Fund for fiscal year
1995-96.

32 **Emergency clause.** In view of the emergency cited in the
34 preamble, this Act takes effect when approved.'

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

38 **FISCAL NOTE**

40 **1995-96** **1996-97**

42 **APPROPRIATIONS/ALLOCATIONS**

44 General Fund \$840,945 \$805,929
46 Other Funds 20,077

REV

2 REVENUES

4 Other Funds \$20,077

6 The Department of Marine Resources will require additional
8 General Fund appropriations of \$840,945 and \$805,929 in fiscal
10 years 1995-96 and 1996-97, respectively, for the enforcement
costs of increasing the jurisdictional area of coastal waters.

12 The Department of Marine Resources will require an Other
14 Special Revenue fund allocation of \$20,077 in fiscal year 1995-96
for continuation of the Groundfish Hatchery Fund for one
16 additional year. Continuation of the fund will also result in an
equivalent increase in dedicated revenues collected by the fund.

18 This bill may increase prosecutions for Class D crimes. If
20 a jail sentence is imposed, the additional costs to the counties
are estimated to be \$83.22 per day per prisoner. These costs are
22 not reimbursed by the State. The number of prosecutions that may
result in a jail sentence and the resulting costs to the county
24 jail system are expected to be insignificant.

26 The additional workload, administrative costs and indigent
defense costs associated with the minimal number of new cases
28 filed in the court system can be absorbed within the budgeted
resources of the Judicial Department. The collection of
30 additional fines may also increase General Fund revenue by minor
amounts.'

32 STATEMENT OF FACT

34 The amendment replaces the original bill. It asserts state
36 control of waters out to 12 miles from Maine's coast. It also
allows the Commissioner of Marine Resources to adopt rules for
38 any zones created within the coastal waters.

40 It strikes the July 30, 1995 repeal date for the Groundfish
42 Hatchery Fund and replaces it with a repeal date of July 30,
1996. It also requires that fund balances be carried forward.

44 The amendment adds an emergency preamble, an emergency
46 clause and a fiscal note to the bill.