

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1832

H.P. 1338

House of Representatives, March 7, 1996

An Act to Amend the Atlantic Salmon Authority.

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BAILEY of Township 27. (GOVERNOR'S BILL)
Cosponsored by Senator KIEFFER of Aroostook and
Representatives: CLARK of Millinocket, JACQUES of Waterville, Senator: HALL of
Piscataquis.

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

2
4 **Sec. 1. 12 MRSA §9901, sub-§2**, as enacted by PL 1995, c. 406, §12, is repealed and the following enacted in its place:

6 **2. Members; appointment composition; term.** The authority
8 is governed by the Atlantic Salmon Board, referred to in this
10 chapter as the "board." The board consists of 9 members
12 including the current Commissioner of Marine Resources and the
14 Commissioner of Inland Fisheries and Wildlife. The Governor
16 shall appoint the remaining 7 members, subject to review by the
18 joint standing committee of the Legislature having jurisdiction
20 over fisheries and wildlife matters and to confirmation by the
22 Senate. The Governor shall select the appointees to adequately
 represent the various aspects of Atlantic salmon issues over
 which the board has jurisdiction. The Governor may appoint the 4
 river drainage representatives from a list of names submitted by
 salmon clubs and may appoint the Native American representatives
 from a list of names submitted by the Penobscot Nation and the
 Passamaquoddy Tribe. In addition to the Commissioner of Marine
 Resources and the Commissioner of Inland Fisheries and Wildlife,
 the board consists of the following appointed members:

24 A. One member who resides within the land area comprising
26 the Penobscot River or Ducktrap River drainages;

28 B. One member who resides within the land area comprising
 the Saco River or Sheepscot River drainages;

30 C. One member who resides in the Aroostook River drainage
32 area;

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

38 E. One member of the Passamaquoddy Tribe;

40 F. One member of the Penobscot Nation; and

42 G. One member at-large representing the public from a
 geographical area not specified in this subsection.

44 Of the initial appointees, 2 members are appointed for one-year
46 terms, 2 members are appointed for 2-year terms and 3 members are
48 appointed for 3-year terms. Thereafter, members are appointed
 for 3-year terms. A vacancy must be filled in the same manner as
 an original member for the unexpired portion of the term. An
 appointed member may not serve for more than 2 consecutive 3-year

2 terms. Appointed members serve until their successors are
3 appointed.

4 **Sec. 2. 12 MRSA §9902, first ¶**, as enacted by PL 1995, c. 406,
5 §12, is amended to read:

6 ~~Notwithstanding any other provision of Title 12, the~~ **The**
7 authority has the sole authority and responsibility to manage the
8 Atlantic salmon fishery in the State, including the sole
9 authority to introduce Atlantic salmon into Maine inland waters,
10 other than commercial aquaculture facilities and associated
11 activities. This sole authority does not take effect for the
12 inland waters of the Sheepscot, Narraguagus, Pleasant, Machias,
13 East Machias and Dennys rivers until July 1, 1997. The authority
14 has the sole authority to limit or prohibit the taking of
15 Atlantic salmon, issue licenses for the taking of Atlantic salmon
16 and adopt rules establishing the time, place and manner of
17 Atlantic salmon fishing in all waters of the State. In addition
18 to these powers and duties, the authority may:

19 **Sec. 3. 12 MRSA §9902, sub-§4**, as enacted by PL 1995, c. 406,
20 §12, is amended to read:

21 **4. Rules.** Adopt rules necessary to manage the Atlantic
22 salmon fishery and to promote the conservation and propagation of
23 the Atlantic salmon. Rules adopted by the authority must be
24 enforced by the Department of Marine Resources, the Department of
25 Inland Fisheries and Wildlife and other public officials
26 authorized by law to enforce marine resource laws or inland
27 fisheries and wildlife laws. The Department of Marine Resources
28 and the Department of Inland Fisheries and Wildlife retain
29 exclusive jurisdiction over rules pertaining to species other
30 than Atlantic salmon that are designed to promote the
31 conservation and propagation of Atlantic salmon. The departments
32 shall consult with the Atlantic Salmon Authority in adopting such
33 rules;

34 **Sec. 4. 12 MRSA §9904, sub-§§4 and 5**, as enacted by PL 1995, c.
35 406, §12, are repealed.

36 **Sec. 5. PL 1995, c. 406, §19, sub-§7** is amended to read:

37 7. Not later than ~~January~~ December 1, 1996, the Chair of
38 the Atlantic Salmon Board shall submit a report to the Joint
39 Standing Committee on Inland Fisheries and Wildlife. The report
40 must include the board's plan for managing the Atlantic salmon
41 fishery in the State and any statutory recommendations pertaining
42 to staffing or budget matters that the board determines necessary
43 to implement that plan. The Joint Standing Committee on Inland
44 Fisheries and Wildlife may report out legislation to the Seeend

2 Regular--Session--of--the--117th Legislature to implement the
statutory recommendations of the board.

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6 STATEMENT OF FACT

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8 This bill clarifies the appointment criteria and process for
the members of the Atlantic Salmon Board. It also adds one
member at-large to the board to represent the public and
10 clarifies that the Commissioner of Inland Fisheries and Wildlife
and the Commissioner of Marine Resources are exempt from the
12 confirmation process. The bill restricts the Atlantic Salmon
Authority's role to inland waters other than commercial
14 hatcheries, with the exception of the Ducktrap, Sheepscot,
Narraguagus, Pleasant, Machias, East Machias and Dennys rivers.
16 The delay in the effective date of authority over those rivers is
to allow the executive branch adequate opportunity to respond to
18 a proposed federal listing of Atlantic salmon. The board will
report back to the Joint Standing Committee on Inland Fisheries
and Wildlife by December 1, 1996 concerning management of
20 Atlantic salmon and recommendations on staffing and budget.