

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1876

S.P. 764

In Senate, March 22, 1996

An Act Concerning the Salmon Aquaculture Monitoring and Research Fund.

(EMERGENCY)

Reported by Senator GOLDTHWAIT for the Committee on Marine Resources pursuant to Joint Order S.P. 737 and printed under Joint Rule 2.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

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

4 **Whereas,** the Salmon Aquaculture Monitoring and Research Fund
6 provides valuable services to an essential component of the
State's marine resource economy; and

8 **Whereas,** the Salmon Aquaculture Monitoring and Research Fund
10 will be repealed on July 1, 1996 unless legislative action is
taken to extend the fund; and

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

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

20 **Sec. 1. 5 MRSA §12004-I, sub-§57-B** is enacted to read:

22	<u>57-B.</u>	<u>Maine</u>	<u>Not</u>	<u>12 MRSA</u>
24	<u>Marine</u>	<u>Salmon</u>	<u>Authorized</u>	<u>§6080</u>
26	<u>Resources</u>	<u>Aquaculture</u>		
28		<u>Advisory</u>		
		<u>Council</u>		

30 **Sec. 2. 12 MRSA §6078,** as amended by PL 1993, c. 562, §2 and
as repealed by PL 1995, c. 176, §1 and affected by §3, is
32 repealed and the following enacted in its place:

34 **§6078. Salmon Aquaculture Monitoring, Research and**
Development Fund

36 **1. Fund established.** All income received by the
38 commissioner under this section must be deposited with the
Treasurer of State, to be credited to the Salmon Aquaculture
40 Monitoring, Research and Development Fund, referred to in this
section as the "fund," which is established as a nonlapsing
42 fund. Any interest earned on this money must also be credited to
the fund.

44 **3. Production fee assessed.** A person producing salmon in
46 aquacultural facilities subject to section 6072 shall pay to the
commissioner a fee of 1¢ per pound of whole fish harvested. The
48 person shall pay the fee within 30 days of harvest. Timely
payment of the fee is a condition of any lease granted under
50 section 6072 for the production of salmon in net-pen aquacultural

2 facilities. The commissioner may assess a late payment charge on
4 any overdue payments computed at the annual interest rate
6 established by the State Tax Assessor under Title 36, section
8 186. The commissioner may establish by rule any procedural
requirements for collection of the fee including without
limitation monthly reporting of harvest amounts and reporting
forms. Failure to pay the fee is a civil violation punishable by
a civil penalty not to exceed \$1,000.

10 **4. Expenditures; purpose.** The commissioner may make
12 expenditures from the fund to develop effective and
14 cost-efficient water quality licensing and monitoring criteria,
16 analyze and evaluate monitoring data and process lease
18 applications. In developing a program of expenditures, the
commissioner shall consult with the Maine Salmon Aquaculture
Advisory Council established under Title 5, section 12004-I,
subsection 57-B. The commissioner may contract for services
privately or under memoranda of agreement with other state
agencies.

20 **7. Additional revenues.** The commissioner may expend annual
22 revenues in excess of the operating expenses of a program under
24 subsection 4 to address matters that the commissioner determines
26 are of an emergency nature to the State's salmon aquaculture
28 industry, to address matters that the commissioner determines are
30 of long-term interest to the State's salmon aquaculture industry
32 or to rebate revenues to all those persons who paid fees under
34 subsection 3. A rebate must be in the same proportion to the
total of all rebates as the recipient's fees for that period are
to the total of all fees levied for that period. The
commissioner shall consult with the Maine Salmon Aquaculture
Advisory Council established under Title 5, section 12004-I,
subsection 57-B when determining expenditures under this
subsection.

36 **8. Reports.** On or before February 1st of each year, the
38 commissioner shall report to the joint standing committee of the
40 Legislature having jurisdiction over marine resource matters on
42 all expenditures made from the fund in the previous fiscal year
and on all work accomplished and planned. The committee may
introduce and report legislation it determines necessary to
modify the provisions of this section.

44 **9. Repeal.** This section is repealed July 1, 1997.

46 Sec. 3. 12 MRS §6080 is enacted to read:

48 **§6080. Maine Salmon Aquaculture Advisory Council**

2 1. Appointment; composition. The Maine Salmon Aquaculture
3 Advisory Council, referred to in this section as the "council"
4 and established by Title 5, section 12004-I, subsection 57-B,
5 consists of 4 members. The commissioner or the commissioner's
6 designee is a nonvoting, ex officio member of the council. The
7 commissioner shall appoint 3 members from the State's salmon
8 aquaculture industry. No more than 2 of the appointed members
9 may represent similar segments of the State's salmon aquaculture
10 industry.

11 2. Term. Council members serve for 3 years and continue
12 servng until a successor is duly appointed and qualified. In
13 the case of a vacancy, the commissioner shall promptly fill the
14 vacancy.

15 3. Purpose, The council shall make recommendations to the
16 commissioner concerning expenditures from the Salmon Aquaculture
17 Monitoring, Research and Development Fund for the purposes
18 described under section 6078, subsections 4 and 7.

19 4. Chair and officers. The council annually shall choose
20 one of its members to serve as chair for a one-year term. The
21 council may select other officers and designate their duties.

22 5. Meetings. The council shall meet at least once each
23 year. It may also meet at other times at the call of the chair
24 or the chair's designee or the commissioner or the commissioner's
25 designee.

26 6. Repeal. This section is repealed July 1, 1997.

27 **Sec. 4. PL 1995, c. 176, §§1 and 3** are repealed.

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

30 STATEMENT OF FACT

31 **40** This bill repeals the repeal date of July 1, 1996 of the
32 Salmon Aquaculture Monitoring and Research Fund and changes its
33 name to the Salmon Aquaculture Monitoring, Research and
34 Development Fund. It also prescribes 3 purposes for which the
35 Commissioner of Marine Resources may expend fund revenues that
36 exceed the operating expenses of a salmon aquaculture water
37 quality and lease program. The 3 purposes are: to address
38 emergency matters in the State's salmon aquaculture industry; to
39 address matters of long-term interest to the State's salmon
40 aquaculture industry; and to rebate the excess revenues back to
41 salmon growers who paid the revenues.

2 The bill also creates the Maine Salmon Aquaculture Advisory
3 Council. The Commissioner of Marine Resources is required to
4 consult with the council when determining expenditures from the
5 fund.
6