

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1162

H.P. 857

House of Representatives, February 20, 1997

An Act to Clarify the Duties of the Maine Atlantic Salmon Authority.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative O'NEIL of Saco.
Cosponsored by Senator KIEFFER of Aroostook and
Representatives: BAGLEY of Machias, CLARK of Millinocket, DUNLAP of Old Town,
FISHER of Brewer, LaVERDIERE of Wilton, PERRY of Bangor, UNDERWOOD of Oxford,
Senator: RUHLIN of Penobscot.

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

2
4 **Sec. 1. 12 MRSA §7202, sub-§1**, as enacted by PL 1979, c. 420,
§1, is amended to read:

6 **1. Issuance.** ~~The commissioner may grant permits to~~ Except
8 as provided in section 9906, a person may not introduce, import
10 or transport any live freshwater fish or eggs into the State or
to receive or have in possession fish or eggs so introduced,
imported or transported without a permit issued by the
12 commissioner.

14 **Sec. 2. 12 MRSA §7203, sub-§1**, as enacted by PL 1979, c. 420,
§1, is amended to read:

16 **1. Issuance.** ~~The commissioner may issue a written permit~~
18 ~~allowing~~ Except as provided in section 9906, a person to may not
introduce fish of any kind into any inland waters by means of
live fish or otherwise without a permit issued by the
20 commissioner.

22 **Sec. 3. 12 MRSA §9902, first ¶**, as amended by PL 1995, c. 535,
§2, is further amended to read:

24 The authority has the sole authority and responsibility to
26 manage the Atlantic salmon fishery in the State, including the
sole authority to introduce Atlantic salmon into Maine inland or
28 coastal waters, to import, stock, rear or permit the importation,
stocking or rearing of Atlantic salmon, live or as eggs, into
30 Maine or into Maine inland or coastal waters, other than
commercial aquaculture facilities and associated activities.
32 This sole authority does not take effect for the inland waters of
the Sheepscot, Narraguagus, Pleasant, Machias, East Machias and
34 Dennys rivers until July 1, 1997. The authority has the sole
authority to limit or prohibit the taking of Atlantic salmon,
36 issue licenses for the taking of Atlantic salmon and adopt rules
establishing the time, place and manner of Atlantic salmon
38 fishing in all waters of the State. In addition to these powers
and duties, the authority may:

40 **Sec. 4. 12 MRSA §9902, sub-§7** is enacted to read:

42 **7. Liaison with federal authorities and regional**
44 commissions. Serve as the State's designated liaison to the
United States Fish and Wildlife Service, to other federal
46 authorities and to the fisheries conservation authorities of any
other state on all matters relating to the management,
48 restoration, enhancement, importation, rearing or stocking of
Atlantic salmon, other than commercial aquaculture facilities and
50 associated activities. The authority is also the lead state

2 agency regarding such matters for purposes of formulating
3 policies, standards or procedures in cooperation with the United
4 States Fish and Wildlife Service, the Atlantic States Marine
5 Fisheries Management Commission or other federal or regional
6 authorities.

7 **Sec. 5. 12 MRSA §9902-A** is enacted to read:

8 **§9902-A. Consultation with other departments**

9
10 The authority shall consult from time to time with the
11 Commissioner of Marine Resources and the Commissioner of Inland
12 Fisheries and Wildlife to ensure that each is fully apprised on
13 all activities that may affect the interests of the others. If
14 the authority determines that an activity under its consideration
15 may have a potential adverse impact on existing populations of
16 other salmonoids or anadromous fish, the authority shall consult
17 with those commissioners on that issue but retains its sole
18 authority under this chapter to decide upon all matters relating
19 to Atlantic salmon.

20
21 **Sec. 6. 12 MRSA §9906**, as enacted by PL 1995, c. 406, §12, is
22 amended to read:

23 **§9906. Importation, rearing and stocking of Atlantic salmon**

24
25 The authority may grant an exemption from the provisions of
26 section 6071, subsection 4, for Atlantic salmon, live or eggs,
27 imported for the purpose of enhancing the State's Atlantic salmon
28 fisheries, whether by rearing, stocking in any inland or coastal
29 waters, or otherwise.

30
31 **1. Importation or stocking of salmon fish or eggs by the**
32 **authority.** Notwithstanding the provisions of section 6071, 7202
33 or 7203, the authority may import or utilize Atlantic salmon,
34 live or as eggs, from any hatchery or commercial aquaculture
35 facility located in or outside the State and may introduce those
36 live fish, eggs or fish hatched from those eggs into any inland
37 or coastal waters of the State if the authority determines that
38 those eggs or live fish meet all salmonoid fish health testing
39 and grading standards established by the United States Fish and
40 Wildlife Service and all salmonoid fish health policies adopted
41 by the Atlantic States Marine Fisheries Commission pursuant to
42 chapter 419, subchapter I.

43
44 **2. Permit required.** A person may not import, transport,
45 possess, rear or stock any Atlantic salmon, live or as eggs,
46 other than commercial aquaculture facilities and associated
47 activities, without a permit from the authority. The permit must
48 require that fish or eggs meet the health testing and grading
49 standards.

2 requirements of subsection 1 and all other applicable terms or
3 conditions in rules adopted by the authority. Rules adopted
4 pursuant to this subsection are routine technical rules pursuant
5 to Title 5, chapter 375, subchapter II-A.

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SUMMARY

The purpose of this bill is to clarify any ambiguity regarding the division of responsibility for matters relating to Atlantic salmon among the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Atlantic Salmon Authority. The Atlantic Salmon Authority was created by Public Law 1995, chapter 406 to "manage the Atlantic salmon fishery in the State and conduct and coordinate all projects involving research, planning, management, restoration or propagation of the Atlantic salmon."

This bill clarifies that the Atlantic Salmon Authority has the sole authority to introduce, import, stock and rear or to permit the introduction, importation, stocking and rearing of Atlantic salmon, live or as eggs, into the State or into the inland or coastal waters of the State.

The bill also establishes the Atlantic Salmon Authority as the State's liaison to federal, regional and state authorities on issues pertaining to Atlantic salmon and allows the authority to accept Atlantic salmon, live or as eggs, from hatcheries and commercial aquaculture facilities inside and outside the State if those fish or eggs meet the health and grading standards adopted by the United States Fish and Wildlife Service and the Atlantic States Marine Fisheries Commission.

The bill also prohibits any person, except commercial aquaculture facilities, from importing, transporting, possessing, rearing or stocking Atlantic salmon without a permit issued by the authority.