

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1732

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S.P. 568

In Senate, March 22, 2001

**An Act to Establish for an Additional Two Years the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine.**

(EMERGENCY)

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Reported by Senator Woodcock for the Joint Standing Committee on Inland Fisheries and Wildlife Pursuant to Resolve 1999, chapter 82.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed under Joint Rule 218.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate



2 maintenance fund established under the Maine Revised Statutes,  
3 Title 12, section 7671-A to be used to fund maintenance, repair  
4 and capital improvements at fish hatcheries and feeding  
5 stations. Those recommendations must include draft proposals for  
6 any statutory enactments necessary to implement the  
7 commissioner's recommendations. .

8 **Sec. A-3. Carrying balances - Inland Fisheries and Wildlife**  
9 **program.** Notwithstanding any other provision of law, \$100,000 is  
10 transferred from the Carrying Balances - Inland Fisheries and  
11 Wildlife program to the fish hatchery maintenance fund  
12 established in the Maine Revised Statutes, Title 12, section  
13 7671-A to be used for the purposes specified in that section.  
14 This transfer must be made not later than 30 days after the  
15 effective date of this Act.

16 **Sec. A-4. Appropriation.** The following funds are appropriated  
17 from the General Fund to carry out the purposes of this Part.

18  
19  
20 **2000-01**

21  
22 **INLAND FISHERIES AND WILDLIFE,**  
23 **DEPARTMENT OF**

24 **Fisheries and Hatcheries Operations**

25 All Other (\$182,000)

26  
27 Deappropriates \$182,000 in fiscal year  
28 2000-01 originally appropriated by Public  
29 Law 1999, chapter 731 for engineering design  
30 and assessments of fish hatchery facilities.

31  
32  
33 **DEPARTMENT OF INLAND FISHERIES**  
34 **AND WILDLIFE**  
35 **TOTAL**

36 (\$182,000)

37 **LEGISLATURE**

38  
39 **Commission to Study the Needs and**  
40 **Opportunities Associated with the**  
41 **Production of Salmonid Sport Fish**  
42 **in Maine**

43 All Other \$182,000

44  
45 Appropriates \$182,000 to the Commission to  
46 Study the Needs and Opportunities Associated  
47 with the Production of Salmonid Sport Fish

2 in Maine to hire consulting engineers to  
3 assist in the fish hatchery engineering  
4 analysis and design and assessment of  
5 statewide fish hatchery production and  
6 distribution needs and for the per diem  
7 expenses of 4 annual meetings of the  
8 commission.

10	<b>LEGISLATURE</b>	
	<b>TOTAL</b>	<hr/> \$182,000
12	<b>TOTAL APPROPRIATIONS</b>	<hr/> \$0

14

16 **PART B**

18 **Sec. B-1. Commission established.** The Commission to Study the  
19 Needs and Opportunities Associated with the Production of  
20 Salmonid Sport Fish in Maine, referred to in this Part as the  
21 "commission," is established.

22 **Sec. B-2. Commission membership; appointed ad hoc and ex officio**  
23 **members.** The commission consists of appointed members as  
24 follows:

26 1. Except as otherwise provided in this section, all  
27 members appointed pursuant to Resolve 1999, chapter 82, including  
28 legislative members, whether or not members of the 120th  
29 Legislature, are members of this commission;

32 2. The President of the Senate shall appoint 2 members of  
33 the Senate to the commission. The first Senator appointed  
34 pursuant to this subsection is the Senate chair of the  
35 commission. When making these appointments, the President of the  
36 Senate shall give preference to a Senate member of the Joint  
37 Standing Committee on Inland Fisheries and Wildlife and a Senate  
38 member of the Joint Standing Committee on Natural Resources; and

40 3. The Governor shall appoint one person to replace one of  
41 the persons appointed by the Governor under Resolve 1999, chapter  
42 82, section 2, subsection 6 and one person to replace the person  
43 appointed by the Governor under Resolve 1999, chapter 82, section  
44 2, subsection 9.

46 **Sec. B-3. Duties.** The commission shall complete all duties  
47 prescribed in Resolve 1999, chapter 82 and shall provide  
48 oversight and policy guidance to the Department of Inland  
49 Fisheries and Wildlife with respect to the expenditure of funds  
50 appropriated by the 119th Legislature in Public Law 1999, chapter

2 731, Part A, section 1 and Part HHHH, section 1, for engineering  
3 design for the Embden Hatchery and a statewide assessment of all  
4 other hatchery facilities. In addition, the commission shall:

5  
6 1. Continue to work with the Department of Inland Fisheries  
7 and Wildlife and the department's consultant to continue the work  
8 of evaluating the effluent characteristics of fish hatcheries,  
9 including private fish hatcheries, with the purpose of ensuring  
10 that the state fish hatcheries will be able to comply with  
11 licensed effluent discharge standards within 3 years and to  
12 obtain information relevant to discussions of discharge license  
13 standards for unlicensed private fish hatcheries;

14 2. Set statewide production goals for the number, size and  
15 species mix of recreational sport fish over a 15- to 20-year  
16 planning horizon;

17 3. Determine how to meet those production goals in the most  
18 cost-effective manner by evaluating all production options,  
19 including options for investing in cost-effective upgrades to  
20 existing state-owned facilities to produce more fish, closing  
21 noneconomic state-owned facilities and building new capacity in  
22 other locations in the State and purchasing fish from privately  
23 owned hatcheries; and  
24

25 4. Within existing budgeted resources, undertake any  
26 studies or other activities as are necessary to complete the  
27 tasks outlined in this section.  
28

29 **Sec. B-4. Staff assistance.** The commission shall request  
30 staffing assistance from the Legislative Council.  
31

32 **Sec. B-5. Compensation.** The legislative members and ad hoc  
33 members are entitled to the legislative per diem, as defined in  
34 the Maine Revised Statutes, Title 3, section 2, and reimbursement  
35 for necessary expenses incurred for their attendance at  
36 authorized meetings of the commission that occur on days the  
37 Legislature is not in session. Other members of the commission  
38 who are not otherwise compensated by their employers or other  
39 entities that they represent are entitled to receive  
40 reimbursement of necessary expenses incurred for their attendance  
41 at authorized meetings.  
42

43 **Sec. B-6. Report.** The commission shall submit an interim  
44 report to the Joint Standing Committee on Inland Fisheries and  
45 Wildlife no later than December 1, 2001 and a final report to  
46 that same committee no later than October 31, 2002.  
47

48 **Sec. B-7. Unexpended balances carried forward.** Unexpended  
49 funds appropriated by Public Law 1999, chapter 731, Part A,  
50

2 section 1 and Part HHHH, section 1, to the Department of Inland  
3 Fisheries and Wildlife, Fisheries and Hatcheries Operations, are  
4 carried forward to fiscal year 2001-02 and must be used for the  
5 purposes originally appropriated. Those funds may not be  
6 encumbered for any purpose without prior consultation with the  
7 commission.

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

## 12 SUMMARY

14 Part A of this bill creates a fish hatchery maintenance fund  
15 within the Department of Inland Fisheries and Wildlife to be used  
16 by the Commissioner of Inland Fisheries and Wildlife to fund or  
17 assist in funding maintenance, repair or capital improvements at  
18 fish hatcheries and feeding stations owned by the State. The  
19 fund may not be used to fund personnel services costs or general  
20 operating costs of a fish hatchery. The fund is initially  
21 capitalized by a \$100,000 transfer from the department's carrying  
22 account. The commissioner is directed to report back to the  
23 Joint Standing Committee on Inland Fisheries and Wildlife by  
24 January 15, 2002 with recommendations on mechanisms to raise  
25 revenue for the fund.

26 Part A also reallocates \$182,000 from the Department of  
27 Inland Fisheries and Wildlife to the fish hatchery study  
28 commission to allow the commission to hire consulting engineers  
29 to assist in the design and assessment of statewide fish hatchery  
30 production and distribution needs and for the per diem expenses  
31 of 4 annual meetings of the commission. Those funds are part of  
32 a \$500,000 appropriation originally made to the department in  
33 2000 for similar purposes.

36 Part B of this bill authorizes for an additional 2 years a  
37 study commission originally established by the 119th Legislature  
38 by Resolve 1999, chapter 82. The purpose of this commission is  
39 to study the needs and opportunities associated with the  
40 production of salmonid sport fish in this State.

42 Part B appoints all the members of the commission originally  
43 appointed in 1999, except that it requires the President of the  
44 Senate to appoint 2 additional members of the Senate and requires  
45 the Governor to fill 2 vacancies among public members appointed  
46 by the Governor in 1999.

48 Part B also carries forward into fiscal year 2001-02 all  
unexpended balances appropriated to the Department of Inland

2 Fisheries and Wildlife for fiscal year 2000-01 for fish hatchery engineering work.