

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1358

S.P. 446

In Senate, March 13, 2003

**Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in black ink, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BRYANT of Oxford.  
Cosponsored by Representative CLARK of Millinocket and  
Senators: HATCH of Somerset, STANLEY of Penobscot, Representatives: GERZOFSKY of  
Brunswick, PATRICK of Rumford, PINGREE of North Haven.

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

4  
6           **Whereas,** the 119th Legislature originally established the  
Commission to Study the Needs and Opportunities Associated with  
the Production of Salmonid Sport Fish in Maine in Resolve 1999,  
8 chapter 82 and the 120th Legislature reestablished it in Public  
Law 2001, chapter 462; and

10  
12           **Whereas,** authorization of this commission for an additional  
2-year period is essential to complete the original duties  
assigned to the commission and to provide ongoing legislative  
14 policy guidance on the expenditures of those funds appropriated  
for engineering design for the Embden Hatchery and a statewide  
16 assessment of all other hatchery facilities; and

18           **Whereas,** the study must be initiated before the 90-day  
period expires in order that the study may be completed and a  
20 report submitted in time for submission to the next legislative  
session; and

22  
24           **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  
26 necessary for the preservation of the public peace, health and  
safety; now, therefore, be it

28           **Sec. 1. Commission established. Resolved:** That the Commission  
30 to Study the Needs and Opportunities Associated with the  
Production of Salmonid Sport Fish in Maine, referred to in this  
32 resolve as "the commission," is established; and be it further

34           **Sec. 2. Commission membership; appointed ad hoc and ex officio**  
**members. Resolved:** That the commission consists of appointed  
36 members as follows:

38           1. All members appointed pursuant to Public Law 2001,  
chapter 462, including legislative members, whether or not  
40 members of the 121st Legislature, are members of this commission;

42           2. The President of the Senate shall appoint 2 members of  
the Senate to the commission. The first Senator appointed  
44 pursuant to this subsection is the Senate chair of the  
commission. When making these appointments, the President of the  
46 Senate shall give preference to a Senate member of the Joint  
Standing Committee on Inland Fisheries and Wildlife and a Senate  
48 member of the Joint Standing Committee on Natural Resources; and

2 3. The Speaker of the House shall appoint a member of the  
4 House to the commission who is the House chair. When making this  
6 appointment, the Speaker of the House shall give preference to a  
House member of the Joint Standing Committee on Inland Fisheries  
and Wildlife; and be it further

8 **Sec. 3. Appointments; convening of commission. Resolved:** That  
10 all appointments must be made no later than 30 days following the  
12 effective date of this resolve. The appointing authorities shall  
14 notify the Executive Director of the Legislative Council once all  
appointments have been completed. The chairs shall call and  
convene the first meeting of the commission no later than August  
15, 2003; and be it further

16 **Sec. 4. Duties. Resolved:** That the commission shall complete  
18 all duties prescribed in Resolve 1999, chapter 82 and shall  
20 provide oversight and policy guidance to the Department of Inland  
22 Fisheries and Wildlife with respect to the expenditure of funds  
appropriated by the 119th Legislature in Public Law 1999, chapter  
731, Part A, section 1 and Part HHHH, section 1, for engineering  
design for the Embden Hatchery and a statewide assessment of all  
other hatchery facilities. In addition, the commission shall:

24 1. Continue to work with the Department of Inland Fisheries  
26 and Wildlife and the department's consultant to continue the work  
of evaluating the effluent characteristics of fish hatcheries,  
28 including private fish hatcheries, with the purpose of ensuring  
that the state fish hatcheries will be able to comply with  
30 licensed effluent discharge standards and to obtain information  
relevant to discussions of discharge license standards for  
unlicensed private fish hatcheries;

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

36 3. Determine how to meet those production goals in the most  
38 cost-effective manner by evaluating all production options,  
including options for investing in cost-effective upgrades to  
40 existing state-owned facilities to produce more fish, closing  
noneconomic state-owned facilities and building new capacity in  
42 other locations in the State and purchasing fish from privately  
owned hatcheries; and

44 4. Within existing budgeted resources, undertake any  
46 studies or other activities as are necessary to complete the  
tasks outlined in this section; and be it further

48

2           **Sec. 5. Staff assistance. Resolved:** That, upon approval of the  
Legislative Council, the Office of Policy and Legal Analysis  
shall provide necessary staffing services to the commission; and  
4           be it further

6           **Sec. 6. Compensation. Resolved:** That members who are  
Legislators are entitled to the legislative per diem, as defined  
8           in the Maine Revised Statutes, Title 3, section 2, and  
reimbursement for necessary expenses incurred for their  
10          attendance at authorized meetings of the commission that occur on  
days the Legislature is not in session. Other members of the  
12          commission who are not otherwise compensated by their employers  
or other entities that they represent are entitled to receive  
14          reimbursement of necessary expenses and, upon a demonstration of  
financial hardship, a per diem equal to the legislative per diem  
16          for their attendance at authorized meetings. The Commissioner of  
Inland Fisheries and Wildlife shall use funds in the fish  
18          hatchery maintenance fund established in the Maine Revised  
Statutes, Title 12, section 7671-A to reimburse the Legislature  
20          for all costs incurred to pay the per diem and expenses of  
members of the commission who are Legislators and members who are  
22          not otherwise compensated by their employers or other entities  
that they represent and the costs to print the commission report;  
24          and be it further

26          **Sec. 7. Report. Resolved:** That the commission shall submit an  
interim report to the Joint Standing Committee on Inland  
28          Fisheries and Wildlife no later than December 1, 2003 and a final  
report to that same committee no later than October 31, 2004; and  
30          be it further

32          **Sec. 8. Extension. Resolved:** That, if the commission requires  
a limited extension of time to complete its study and make its  
34          final report, it may apply to the Legislative Council, which may  
grant an extension; and be it further

36          **Sec. 9. Commission budget. Resolved:** That the chairs of the  
38          commission, with assistance from the commission staff, shall  
administer the commission's budget. Within 10 days after its  
40          first meeting, the commission shall present a work plan and  
proposed budget to the Legislative Council for its approval. The  
42          commission may not incur expenses that would result in the  
commission's exceeding its approved budget. Upon request from  
44          the commission, the Executive Director of the Legislative Council  
shall promptly provide the commission chairs and staff with a  
46          status report on the commission budget, expenditures incurred and  
paid and available funds.

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2           **Emergency clause.** In view of the emergency cited in the  
preamble, this resolve takes effect when approved.

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### SUMMARY

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8           This resolve reestablishes the Commission to Study the Needs  
and Opportunities Associated with the Production of Salmonid  
Sport Fish in Maine.