

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1179

S.P. 400

In Senate, March 28, 2017

**An Act To Increase Funding for Programs That Support the
Mission of the Department of Inland Fisheries and Wildlife**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

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

2 **Sec. 1. 5 MRSA §12004-G, sub-§20-C** is enacted to read:

3 **20-C.**

4 <u>Inland Fisheries</u>	<u>Maine Outdoor</u>	<u>Legislative Per</u>	<u>12 MRSA §10158</u>
5 <u>and Wildlife</u>	<u>Programs and</u>	<u>Diem and Expenses</u>	
6	<u>Activities Fund</u>	<u>for Appointed</u>	
7	<u>Board</u>	<u>Members</u>	

8 **Sec. 2. 12 MRSA §10158** is enacted to read:

9 **§10158. Maine Outdoor Programs and Activities Fund Board**

10 The Maine Outdoor Programs and Activities Fund Board, referred to in this section
11 as "the board," is established within the department and shall carry out its duties in
12 accordance with this section.

13 **1. Members.** The board consists of 5 members. The commissioner and the Game
14 Warden Colonel are permanent members and their designees may represent them at board
15 meetings. The Governor shall appoint the remaining 3 citizen members subject to the
16 review of the joint standing committee of the Legislature having jurisdiction over inland
17 fisheries and wildlife matters and confirmation by the Senate. One of these members
18 must be a representative of a state sportsmen's organization, one must be a representative
19 of a snowmobile or all-terrain vehicle organization and one must be a representative of a
20 youth outdoor activities organization.

21 **2. Terms.** The Governor shall appoint citizen members to 4-year terms. Appointed
22 citizen members may not serve more than 2 consecutive 4-year terms.

23 **3. Chair.** The Governor shall appoint a citizen member of the board to serve as
24 chair. The chair may not serve more than 2 consecutive 4-year terms.

25 **4. Board meetings, rules and administration.** The board shall conduct its
26 meetings as follows.

27 A. The board shall meet at least 3 times a year at the call of the chair.

28 B. The board may adopt rules necessary for the conduct of its business. Rules
29 adopted pursuant to this paragraph are routine technical rules as defined in Title 5,
30 chapter 375, subchapter 2-A.

31 C. Appointed citizen members are entitled to compensation equal to legislative per
32 diem and travel expenses under Title 5, section 12004-G, subsection 20-C while
33 engaged in board activities.

34 D. A quorum of the board for the transaction of business is 3 members.

35 E. Board members are governed by the conflict of interest provisions in Title 5,
36 section 18.

1 **5. Board functions.** The board has the following functions.

2 A. The board shall review funding requests and award funds annually for specific
3 programs or activities within the department or for other agencies, nongovernmental
4 organizations or individuals that meet the funding criteria of section 10267,
5 subsection 7 pursuant to a grant proposal, recommendation from the department or
6 upon the board's own initiative. Grant proposals must include a stated purpose, a time
7 line, potential outcomes, a budget and an explanation of need. Funding or grant
8 awards that establish a public-private partnership or involve matching funds are
9 encouraged.

10 B. The board shall submit an annual report to the Governor and the joint standing
11 committee of the Legislature having jurisdiction over inland fisheries and wildlife
12 matters detailing expenditures made from the fund.

13 C. Responsibility for administration of the board lies with the chair appointed under
14 subsection 3. The board shall hire an executive director. The executive director may
15 hire an additional staff person, if the board determines it necessary. The executive
16 director directs the daily operation of the board. A staff position may be part-time.
17 The executive director position is unclassified, and the executive director serves at
18 the pleasure of the board.

19 D. The board shall prepare and adopt an annual budget to be included with the report
20 required under paragraph B. The board may spend money to cover administrative
21 expenses. The board shall endeavor to keep the level of administrative expenses as
22 low as practicable and include, in its annual report, a discussion of efforts to
23 minimize administrative expenses. The department shall provide staff support and
24 assistance as determined necessary by the board.

25 **Sec. 3. 12 MRSA §10267** is enacted to read:

26 **§10267. Maine Outdoor Programs and Activities Fund**

27 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
28 following terms have the following meanings.

29 A. "Board" means the Maine Outdoor Programs and Activities Fund Board
30 established in Title 5, section 12004-G, subsection 20-C.

31 B. "Fund" means the Maine Outdoor Programs and Activities Fund.

32 **2. Fund established.** There is established the Maine Outdoor Programs and
33 Activities Fund. The fund consists of revenues received pursuant to section 12501,
34 subsection 8 and any funds received as contributions from private and public sources.
35 The fund, to be accounted within the department, must be held separate and apart from all
36 other money, funds and accounts. Eligible investment earnings credited to the assets of
37 the fund become part of the assets of the fund. Any unexpended balances remaining in
38 the fund at the end of any fiscal year do not lapse and must be carried forward to the next
39 fiscal year.

1 **3. Purpose of fund.** The fund is for the sole purpose of supporting the mission of
2 the department under section 10051 by funding related outdoor programs and activities
3 under subsection 7.

4 **4. Relation to other funding.** The fund supplements sources and levels of funding
5 appropriated and allocated by the Legislature to inland fisheries and wildlife agencies. It
6 is the intent of the Legislature that a grant received from the fund not be considered a
7 substitute for funds previously appropriated or allocated to an inland fisheries and
8 wildlife agency.

9 **5. Fund availability.** The fund must be available to the department, other agencies,
10 nongovernmental organizations and individuals in accordance with section 10158,
11 subsection 5, paragraph A. The department may contract with other agencies,
12 nongovernmental organizations and individuals for the purpose of carrying out programs
13 or activities funded by the fund.

14 **6. Administration.** The board shall administer the fund in accordance with section
15 10158, subsection 5, paragraph D. Administrative expenses may not exceed 10% of the
16 distributions made from the fund under subsection 7.

17 **7. Expenditures from fund; distribution.** The board shall fund programs and
18 activities within the department or make grants to other agencies, nongovernmental
19 organizations or individuals, applications for which must be reviewed in accordance with
20 section 10158, subsection 5, paragraph A. The board shall distribute annually on a
21 regional basis available grant money to support inland fisheries and wildlife programs
22 and activities as follows:

23 A. Snowmobile and all-terrain vehicle trail improvement;

24 B. Fish and game organizations; and

25 C. Youth outdoor activity programs.

26 **Sec. 4. 12 MRSA §12501, sub-§6, ¶A,** as amended by PL 2009, c. 213, Pt. OO,
27 §11, is further amended to read:

28 A. A resident fishing license is ~~\$25~~ \$26.

29 **Sec. 5. 12 MRSA §12501, sub-§6, ¶H,** as amended by PL 2009, c. 213, Pt. OO,
30 §11, is further amended to read:

31 H. A nonresident season fishing license for persons 16 years of age or older is ~~\$64~~
32 \$66.

33 **Sec. 6. 12 MRSA §12501, sub-§8** is enacted to read:

34 **8. Maine Outdoor Programs and Activities Fund.** The commissioner shall
35 deposit \$1 from the fee under subsection 6, paragraph A and \$2 from the fee under
36 subsection 6, paragraph H into the Maine Outdoor Programs and Activities Fund
37 established in section 10267.

