

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

G. Interviewing techniques.

2. The Supreme Judicial Court is requested to determine whether professional education, licensing or certification is an appropriate requirement for guardians ad litem in addition to the training established under subsection 1.

3. The Supreme Judicial Court may seek the assistance and cooperation of any interested person or organizations, including the following organizations who cooperated in presenting legislation pursuant to Resolve 1993, chapter 61:

- A. Maine Coalition for Family Crisis Services;
- B. Family Law Section, Maine State Bar Association;
- C. Maine Children's Alliance;
- D. Maine Association of Mental Health Services;
- E. Pine Tree Legal Assistance;
- F. Maine Women's Lobby; and
- G. Maine Commission on Domestic Abuse.

The Maine Coalition for Family Crisis Services shall provide staffing assistance at the request of the Supreme Judicial Court.

4. The Supreme Judicial Court is requested to report its findings and recommendations, including any recommended legislation, to the First Regular Session of the 118th Legislature and the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 1997.

See title page for effective date.

CHAPTER 406

H.P. 922 - L.D. 1298

An Act to Change the Atlantic Sea Run Salmon Commission

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

Sec. 1. 3 MRSA §927, sub-§7, ¶B, as amended by PL 1993, c. 585, §1, is further amended to read:

- B. Independent agencies:
 - (2) ~~Atlantic Sea Run Salmon Commission;~~
 - (3) Public Utilities Commission;

(4) Atlantic States Marine Fisheries Commission;

(5) Maine Development Foundation;

(6) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency;

(7) Lobster Advisory Council;

(8) Board of Environmental Protection;

(9) Board of Underground Oil Storage Tank Installers;

(10) Telecommunications Relay Services Advisory Council; ~~and~~

(11) Public Advocate; and

(12) Atlantic Salmon Authority;

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

<u>20-A.</u>	<u>Atlantic</u>	<u>\$25/Day</u>	<u>12</u>
<u>Inland Fish-</u>	<u>Salmon</u>	<u>Plus</u>	<u>MRSA</u>
<u>eries and</u>	<u>Authority</u>	<u>Expenses</u>	<u>\$9901</u>
<u>Wildlife</u>			

Sec. 3. 5 MRSA §12004-G, sub-§26-B, as renumbered by RR 1993, c. 1, §10, is repealed.

Sec. 4. 12 MRSA §6071, sub-§1, as enacted by PL 1977, c. 661, §5, is amended to read:

1. Live importing prohibited. ~~It shall be~~ Except for Atlantic salmon imported by the Atlantic Salmon Authority under Part 12, it is unlawful to introduce or import for introduction into any coastal waters any live marine organism or to possess any of those introduced or imported organisms without a permit issued by the commissioner.

Sec. 5. 12 MRSA §6071, sub-§4, as amended by PL 1993, c. 562, §1, is further amended to read:

4. Salmon imports prohibited. ~~It~~ Except as provided in this subsection and section 9906, it is unlawful to import for introduction into any waters of the State any Atlantic salmon, live or as eggs, that originate in any Icelandic or European territorial waters or any other species of salmon, exclusive of rainbow trout, originating west of the North America continental divide. The commissioner may grant an exemption from the provisions of this subsection for a term not to exceed 2 years, renewable upon application, for legitimate research aquacultural projects. Legitimate research does not include pilot, demon-

~~station or full scale aquaculture production of salmon in the coastal waters of the State.~~

Sec. 6. 12 MRSA c. 611, as amended, is repealed.

Sec. 7. 12 MRSA §6553, as amended by PL 1987, c. 690, §§9 to 11, is repealed.

Sec. 8. 12 MRSA §7552, first ¶, as amended by PL 1993, c. 155, §1, is further amended to read:

Except as provided in subsection 5-A and Part 12 and except as the commissioner may by rule provide, the following are the open seasons for fishing in the State. All opening and closing dates are inclusive.

Sec. 9. 12 MRSA §7552, sub-§5-A, ¶D, as enacted by PL 1993, c. 155, §3, is amended to read:

D. The commissioner by rule shall extend the open-water fishing season through the month of November in lakes and ponds that are managed primarily for warm water sport fish in the following counties: Androscoggin, Cumberland, Hancock, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, Washington and York. Rules adopted under this paragraph may include provisions that establish catch-and-release-only restrictions on landlocked salmon, trout, togue and bass.

Sec. 10. 12 MRSA §7603, as enacted by PL 1979, c. 420, §1, is amended to read:

§7603. Illegal fishing for Atlantic salmon

A person is guilty of illegal fishing for Atlantic salmon if ~~he~~ that person fishes for Atlantic sea run salmon in violation of the provisions of ~~chapter 611~~ Part 12.

Sec. 11. 12 MRSA §7675, as enacted by PL 1991, c. 679, is amended to read:

§7675. Aquaculture stock

1. Acceptance of stock. ~~The Atlantic Sea Run Salmon Commission~~ Atlantic Salmon Authority may accept salmon stock that are offered at no charge from commercial aquaculture hatcheries for release into state rivers subject to rules developed by the ~~Atlantic Sea Run Salmon Commission~~ Atlantic Salmon Authority.

2. Rules. ~~The Atlantic Sea Run Salmon Commission~~ Atlantic Salmon Authority shall adopt rules to implement this section. They must, at a minimum:

A. Ensure that no negative impact on existing gene pools results from the release of aquaculturally raised salmon;

B. Prohibit introduction of exotic species from the release of aquaculturally raised salmon;

C. Establish stock disease testing and monitoring procedures; and

D. Establish maximum stocking levels in state rivers. Notwithstanding subsection 1, the ~~Atlantic Sea Run Salmon Commission~~ Atlantic Salmon Authority is not required to accept salmon stock if maximum stocking levels are achieved, as long as those levels are maintained.

~~By March 1, 1993, the Atlantic Sea Run Salmon Commission shall report on this program to the joint standing committee of the Legislature having jurisdiction over marine resource matters.~~

Sec. 12. 12 MRSA Part 12 is enacted to read:

PART 12

ATLANTIC SALMON AUTHORITY

CHAPTER 811

GENERAL PROVISIONS

§9901. Atlantic Salmon Authority

1. Authority established; purposes. The Atlantic Salmon Authority, referred to in this Part as the "authority," is established to manage the Atlantic salmon fishery in the State and to conduct and coordinate all projects involving research, planning, management, restoration or propagation of the Atlantic salmon.

2. Members. The authority is governed by the Atlantic Salmon Board, referred to in this chapter as the "board". The board consists of 8 members appointed by the Governor. The Governor may appoint those members from among names recommended by affiliate clubs of the Maine Council of the Atlantic Salmon Federation, the Penobscot Nation or the Passamaquoddy Tribe. The board consists of the following members:

A. One member who resides within the land area comprising the Penobscot River drainage;

B. One member who resides within the land area comprising the Saco River drainage;

C. One member who resides in Aroostook County;

D. One member who resides within those land areas that comprise the drainage for the St. Croix, East Machias, Machias, Narraguagus, Pleasant, Ducktrap, Dennys or Sheepscot rivers;

E. One member of the Passamaquoddy Tribe;

F. One member of the Penobscot Nation;

G. The Commissioner of Marine Resources; and

H. The Commissioner of Inland Fisheries and Wildlife.

All appointments under this subsection are for a period of 5 years, except that the first initial appointments, under paragraphs A to D, of the Governor have terms of 1, 2, 3 and 4 years, respectively. All appointments under this subsection are subject to confirmation by the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. A person may not be appointed to the board or continue to serve as a member of the board if that person is a state employee.

3. Compensation. Board members are entitled to compensation as provided in Title 5, chapter 379.

4. Chair. The board shall elect annually a chair from among its members, except that neither appointed commissioner may serve as chair. The chair shall direct the administrative and financial matters of the authority.

5. Meetings. The chair shall call all meetings of the board. The board shall conduct its business in public meetings in accordance with Title 1, sections 401 to 406. A quorum of 3 members is required to conduct business and the affirmative vote of at least 3 members of the board is required for board actions. The board may delegate to any of its members or to the staff of the authority any routine business that the board determines necessary to carry out its purposes.

6. Staff. Subject to appropriation or allocation and in accordance with the Civil Service Law, staff may be hired to carry out the work of the authority. Hiring and management of the staff is the responsibility of the board.

§9902. Powers

Notwithstanding any other provision of Title 12, the authority has the sole authority and responsibility to manage the Atlantic salmon fishery in the State, including the sole authority to introduce Atlantic salmon into Maine waters, limit or prohibit the taking of Atlantic salmon, issue licenses for the taking of Atlantic salmon and adopt rules establishing the time, place and manner of Atlantic salmon fishing in all waters of the State. In addition to these powers and duties, the authority may:

1. Programs. Conduct research, publish and disseminate information and plan, report and implement programs necessary for the purposes of managing Atlantic salmon fisheries;

2. Contracts and agreements. Subject to the applicable provisions of Title 5, sections 1811 to 1824 and other requirements of state law, enter into any contracts, agreements or other arrangements with public agencies and with private parties that the authority finds necessary to carry out its purposes;

3. Funding. Subject to other applicable requirements of state law, receive and expend funds from any source, public or private, that the authority finds necessary to carry out its purposes. Any funds received must be placed in a nonlapsing, separate account established by the Treasurer of State, to be expended by the authority for the purposes stated in this section;

4. Rules. Adopt rules necessary to manage the Atlantic salmon fishery and to promote the conservation and propagation of the Atlantic salmon. Rules adopted by the authority must be enforced by the Department of Marine Resources, the Department of Inland Fisheries and Wildlife and other public officials authorized by law to enforce marine resource laws or inland fisheries and wildlife laws;

5. Property. Subject to other applicable requirements of state law, acquire, install, construct, operate, manage, sell and convey interests in real and personal property, including, without limitation, lands, dams, buildings, facilities, structures, flowage rights, mill privileges, easements and rights-of-way, as the authority finds necessary to carry out its purposes, provided that prior rights of municipalities are not affected by the requirements; and

6. Areas where stocking is prohibited. The authority may not stock Atlantic salmon in the East Branch of the Penobscot River.

§9903. Head of tide; Union River

Notwithstanding any other provision of law, for the purposes of this Part, head of tide on the Union River, Hancock County, is designated as that point on the downstream side where the highway bridge on U.S. Route 1 crosses the river in the City of Ellsworth.

§9904. Atlantic salmon license

1. License required. Except as otherwise provided in this section, a person may not fish for, take, possess, ship or transport Atlantic salmon taken from any state waters without a current Atlantic salmon license issued by the authority.

2. License fees. The authority shall issue Atlantic salmon licenses to fish for Atlantic salmon in inland and coastal waters of the State in accordance with the following provisions.

A. The fee for an Atlantic salmon license is \$15 for a resident.

B. The fee for an Atlantic salmon license for any nonresident is as follows:

(1) For a season license for a nonresident 16 years of age or older, \$30;

(2) For a 3-day license for a nonresident 16 years of age or older, \$15. This license may not be exchanged for a season license; and

(3) For a nonresident under 16 years of age, \$5.

C. Members of Maine's Indian tribes and Maine residents under 16 years of age are exempt from any fee.

3. License limitations and validation. A person may not purchase more than one Atlantic salmon license in any single calendar year for that person's use. Immediately after issuance of an Atlantic salmon license, the purchaser must sign it in the space provided. An unsigned license is considered invalid.

4. Tags. Any Atlantic salmon taken from inland or coastal waters must be immediately tagged with a tag bearing the license number of the person who caught the fish or must be tagged as provided in section 9905, subsection 5. Five tags must be issued with each Atlantic salmon license except that only one tag may be issued with a license issued under this section. It is unlawful for any person to possess, sell, give away, accept as a gift, offer for transportation or transport an Atlantic salmon that has not been lawfully tagged.

5. Replacement Atlantic salmon; additional tags. Notwithstanding any other provision of law, the first person in a season who, in cooperation with the authority, the Department of Marine Resources or the Department of Inland Fisheries and Wildlife, presents an Atlantic salmon for shipment to the President of the United States is entitled to take one additional Atlantic salmon and be issued, at no cost, one additional tag bearing that person's license number.

6. Atlantic salmon; possession, buying or selling. A person may not possess, buy or sell Atlantic salmon unless each fish is clearly identified by one of the following methods:

A. Tagged with an Atlantic salmon tag provided by the authority if caught in Maine waters;

B. Tagged with a New Brunswick, Quebec, Nova Scotia or Newfoundland-Labrador Atlantic salmon tag if imported from those Canadian provinces;

C. Identified by a sales receipt less than 24 hours old;

D. For wholesale and retail seafood dealers, identified by a bill of sale indicating numbers of fish purchased, dates of purchase and point of origin of all fish purchased; or

E. Tagged as provided in this Part.

7. Exceptions. This section does not apply to a person licensed to engage in the aquaculture of Atlantic salmon, except that, that person shall report to the authority the number, weight and locations sold to, of all Atlantic salmon within the authority's jurisdiction. The authority shall maintain those records as confidential documents.

8. Agent's fee. Any clerk or agent appointed by the authority to issue an Atlantic salmon license shall retain \$1 for each license issued.

9. Use of license fees. All license fees must be used by the authority for purposes of conservation and management of the Atlantic salmon in this State.

10. Duplicates. The authority or its agents shall issue a duplicate license to any person whose license was accidentally lost or destroyed. The fee for a replacement license is \$1, all of which is retained by the issuing agent. Atlantic salmon tags bearing the license number of a lost or destroyed license are invalid.

11. Fishing in inland waters. When fishing in inland waters, the holder of a license authorized under this section is subject to all the provisions of chapters 701 to 721.

§9905. Registration of Atlantic salmon

Except as provided in subsection 4, a person may not possess, ship or transport an Atlantic salmon that has not been properly registered according to the provisions of this section by the person who killed the fish.

1. Time period. A person who kills Atlantic salmon shall present the Atlantic salmon for registration within 12 hours. The Atlantic salmon must be registered at the first open Atlantic salmon registration station on the route taken by the person who kills the fish.

2. Information requirements. The person who kills the fish must register the fish in the person's own name. Information concerning each Atlantic salmon registered must be reported accurately and truthfully.

3. Possession of unlabeled parts prohibited. A person may not possess any part of an Atlantic salmon taken from the inland or coastal waters of this State

unless each part is plainly labeled with the name and address of the person who registered the fish, except that a person may possess a fish properly identified under this Part.

4. Exemptions. The following are exempt from the registration requirements of this section:

A. Atlantic salmon imported from outside the State;

B. Atlantic salmon imported by taxidermists solely for taxidermy purposes; and

C. Atlantic salmon raised by means of aquaculture.

5. Recreational fishing provision. A person engaged in recreational fishing who takes an Atlantic salmon shall affix to each fish an identification tag designating the date, location and name of the person who caught the fish. The person shall notify the authority within 24 hours of that person's first landfall providing all information the authority may require.

§9906. Atlantic salmon imports; exemption from prohibition for fisheries enhancement

The authority may grant an exemption from the provisions of section 6071, subsection 4, for Atlantic salmon, live or eggs, imported for the purpose of enhancing the State's Atlantic salmon fisheries.

§9907. Atlantic salmon; limits; method of taking; closed season

Unless otherwise provided by rule adopted by the authority, a person may not:

1. Minimum length. Take or possess Atlantic salmon that are less than 14 inches in total length;

2. Method of taking. From May 1st to October 15th, take Atlantic salmon in Maine waters by means other than hook and line with an unweighted salmon fly. An Atlantic salmon taken by any other means must be immediately released;

3. Closed season. From October 16th to April 30th, take Atlantic salmon from Maine waters by any means;

4. Bag limit. Take more than one Atlantic salmon in one day from Maine waters. No more than 5 Atlantic salmon per person may be taken annually from all waters of the State; or

5. Disposition. Sell or offer for sale any Atlantic salmon taken from Maine waters, except Atlantic salmon lawfully raised by means of aquaculture.

Sec. 13. 38 MRSA §480-B, sub-§10, as amended by PL 1993, c. 296, §1, is further amended to read:

10. Significant wildlife habitat. "Significant wildlife habitat" means the following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource: habitat, as defined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the ~~Atlantic Sea Run Salmon Commission~~ Atlantic Salmon Authority; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

Sec. 14. 38 MRSA §480-U, sub-§2, ¶A, as corrected by RR 1991, c. 1, §57, is amended to read:

A. The application must contain written certification by a knowledgeable professional that the cranberry cultivation project will not be located in a wetland that has one or more of the following characteristics:

- (1) Is a coastal wetland or is located within 250 feet of a coastal wetland;
- (2) Is a great pond;
- (3) Contains endangered or threatened plant species listed under Title 5, section 3315;
- (4) Contains any type of palustrine natural community of which there are 20 or fewer occurrences in the State;
- (5) Contains any of the following resources:
 - (a) Habitat for species appearing on the official state or federal lists of endangered or threatened species when there is evidence that the species is present;
 - (b) As defined by rule by the Commissioner of Inland Fisheries and Wildlife, whether or not the resource has been mapped, high-value and moderate-value deer wintering areas; deer travel corridors; high-value and

moderate-value waterfowl or wading bird habitats, including nesting and feeding areas; shorebird nesting, feeding or staging areas; or seabird nesting islands; or

(c) Critical spawning and nesting areas for Atlantic sea run salmon as defined by rule by the ~~Atlantic Sea Run Salmon Commission~~ Atlantic Salmon Authority whether or not mapped;

(6) Is located within 250 feet of the normal high water line and within the same watershed of any lake or pond classified as GPA under section 465-A;

(7) Is a bog dominated by ericaceous shrubs, sedges and sphagnum moss and usually having a saturated water regime, except that applications proposing reclamation of previously mined peat bogs may be considered;

(8) Is land adjacent to the main stem of a major river, as classified in section 467, that is inundated with floodwater during a 100-year flood event and that under normal circumstances supports a prevalence of wetland vegetation, typically adapted for life in saturated soils; or

(9) Contains at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for man-made ponds or impoundments, during most of the growing season in most years; except that cranberry cultivation is allowed more than 250 feet from the edge of the area of aquatic vegetation, emergent marsh vegetation or open water.

A project to cultivate indigenous cranberries may be located in wetlands described in subparagraphs (6) and (7) only if the project location is a natural cranberry bog and provisions of paragraph D are met. For purposes of this paragraph, "natural cranberry bog" means an area with indigenous large cranberries, *Vaccinium macrocarpon* Ait., comprising more than 50% of the cover in the herbaceous layer; and "cover in the herbaceous layer" means all herbaceous or woody vegetation less than 10 inches in height.

Sec. 15. 38 MRSA §636, sub-§7, ¶B, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §189, is further amended to read:

B. Whether the project will result in significant benefit or harm to fish and wildlife resources. In

making its determination, the department shall consider other existing uses of the watershed and fisheries management plans adopted by the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the ~~Atlantic Sea Run Salmon Commission~~ Atlantic Salmon Authority;

Sec. 16. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1995-96 1996-97

**ATLANTIC SALMON
AUTHORITY**

Atlantic Salmon Authority

Positions - Legislative Count	(2.0)	(2.0)
Personal Services	\$71,463	\$94,972
All Other	10,767	14,758

Provides funds to reflect the elimination of the Atlantic Sea Run Salmon Commission and the subsequent establishment of the Atlantic Salmon Authority.

**ATLANTIC SALMON
AUTHORITY
TOTAL**

\$82,230	\$109,730
----------	-----------

**ATLANTIC SEA RUN
SALMON COMMISSION**

**Atlantic Sea Run Salmon
Commission**

Positions - Legislative Count	(-2.0)	(-2.0)
Personal Services	(\$71,463)	(\$94,972)
All Other	(10,767)	(14,758)

Deappropriates funds to reflect the elimination of the Atlantic Sea Run Salmon Commission and the subsequent establishment of the Atlantic Salmon Authority.

**ATLANTIC SEA RUN
SALMON COMMISSION
TOTAL**

(\$82,230)	(\$109,730)
------------	-------------

Sec. 17. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

	1995-96	1996-97
ATLANTIC SALMON AUTHORITY		
Atlantic Salmon Authority		
Positions - Other Count	(7.0)	(7.0)
Personal Services	\$247,981	\$330,916
All Other	70,636	95,699
Allocates funds to reflect the elimination of the Atlantic Sea Run Salmon Commission and the subsequent establishment of the Atlantic Salmon Authority.		
ATLANTIC SALMON AUTHORITY TOTAL	\$318,617	\$426,615
ATLANTIC SEA RUN SALMON COMMISSION		
Atlantic Sea Run Salmon Commission		
Positions - Other Count	(-7.0)	(-7.0)
Personal Services	(\$247,981)	(\$330,916)
All Other	(70,636)	(95,699)
Deallocates funds to reflect the elimination of the Atlantic Sea Run Salmon Commission and the subsequent establishment of the Atlantic Salmon Authority.		
ATLANTIC SEA RUN SALMON COMMISSION TOTAL	(\$318,617)	(\$426,615)

Sec. 18. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1995-96	1996-97
ATLANTIC SALMON AUTHORITY		
Atlantic Salmon Authority		
Positions - Other Count	(1.0)	(1.0)
Personal Services	\$13,940	\$18,120
All Other	3,590	5,253
Allocates funds to reflect the elimination of the Atlantic Sea Run Salmon Commission and the		

subsequent establishment of the Atlantic Salmon Authority.

ATLANTIC SALMON AUTHORITY		
TOTAL	\$17,530	\$23,373
ATLANTIC SEA RUN SALMON COMMISSION		
Atlantic Sea Run Salmon Commission		
Positions - Other Count	(-1.0)	(-1.0)
Personal Services	(\$13,940)	(\$18,120)
All Other	(3,590)	(5,253)
Deallocates funds to reflect the elimination of the Atlantic Sea Run Salmon Commission and the subsequent establishment of the Atlantic Salmon Authority.		
ATLANTIC SEA RUN SALMON COMMISSION TOTAL	(\$17,530)	(\$23,373)

Sec. 19. Transition provisions.

1. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, all accrued expenditures, assets, liabilities, balances or appropriations, allocations, transfers, revenues or other available funds in an account or subdivision of an account of the Atlantic Sea Run Salmon Commission are transferred to the Atlantic Salmon Authority.

2. All rules adopted by the Atlantic Sea Run Salmon Commission are deemed to be rules adopted by the Atlantic Salmon Authority and remain in effect until rescinded, revised or amended by the Atlantic Salmon Authority. Those provisions of the open water fishing rules adopted by the Department of Inland Fisheries and Wildlife and those provisions of rules adopted by the Department of Marine Resources that regulate the importation or stocking of Atlantic salmon or the time, manner or location of fishing for Atlantic salmon in inland or coastal waters are deemed to be rules adopted by the Atlantic Salmon Authority and remain in effect until rescinded, revised or amended by the Atlantic Salmon Authority.

3. Members of the Atlantic Sea Run Salmon Commission on the effective date of this Act are entitled to remain as members of the Atlantic Salmon Board until their successors are appointed.

4. The Atlantic Salmon Authority is the successor in every way to the Atlantic Sea Run Salmon Commission.

5. The Governor, the President of the Senate and the Speaker of the House of Representatives shall make all appointments required by this Act not later than 30 days after the effective date of this Act.

6. On the effective date of this Act, all position counts, appropriations and allocations to the former Atlantic Sea Run Salmon Commission are transferred to the Atlantic Salmon Authority and become position counts, appropriations and allocations of the Atlantic Salmon Authority. On and after the effective date of this Act, the Department of Inland Fisheries and Wildlife shall continue to provide the Atlantic Salmon Authority with the same level of administrative support that the department provided to the former Atlantic Sea Run Salmon Commission.

7. Not later than January 1, 1996, the Chair of the Atlantic Salmon Board shall submit a report to the Joint Standing Committee on Inland Fisheries and Wildlife. The report must include the board's plan for managing the Atlantic salmon fishery in the State and any statutory recommendations pertaining to staffing or budget matters that the board determines necessary to implement that plan. The Joint Standing Committee on Inland Fisheries and Wildlife may report out legislation to the Second Regular Session of the 117th Legislature to implement the statutory recommendations of the board.

See title page for effective date.

CHAPTER 407

H.P. 432 - L.D. 595

An Act Regarding Insurance Coverage for Mental Illness

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

Sec. 1. 24 MRSA §2325-A, sub-§5-C, as amended by PL 1995, c. 19, §1, is repealed and the following enacted in its place:

5-C. Coverage for treatment for certain mental illnesses. Coverage for medical treatment for mental illnesses listed in paragraph A is subject to this subsection.

A. All group contracts must provide, at a minimum, benefits according to paragraph B, subparagraph (1) for a person receiving medical treatment for any of the following mental ill-

nesses diagnosed by a licensed allopathic or osteopathic physician:

- (1) Schizophrenia;
- (2) Bipolar disorder;
- (3) Pervasive developmental disorder, or autism;
- (4) Paranoia;
- (5) Panic disorder;
- (6) Obsessive-compulsive disorder; or
- (7) Major depressive disorder.

B. All policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after July 1, 1996 must provide benefits that meet the requirements of this paragraph. For purposes of this paragraph, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

(1) The contracts must provide benefits for the treatment and diagnosis of mental illnesses under terms and conditions that are no less extensive than the benefits provided for medical treatment for physical illnesses.

(2) At the request of a nonprofit hospital or medical service organization, a provider of medical treatment for mental illness shall furnish data substantiating that initial or continued treatment is medically necessary and appropriate. When making the determination of whether treatment is medically necessary and appropriate, the provider shall use the same criteria for medical treatment for mental illness as for medical treatment for physical illness under the group contract.

This subsection does not apply to policies, contracts and certificates covering employees of employers with 20 or fewer employees, whether the group policy is issued to the employer, to an association, to a multiple-employer trust or to another entity.

This subsection may not be construed to allow coverage and benefits for the treatment of alcoholism or other drug dependencies through the diagnosis of a mental illness listed in paragraph A.

Sec. 2. 24 MRSA §2325-A, sub-§5-D is enacted to read:

5-D. Mandated offer of coverage for certain mental illnesses. Except as otherwise provided,