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Interim Final Report of the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

Maine State Legislature

Office of Policy and Legal Analysis

Patrick Norton

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**STATE OF MAINE
119TH LEGISLATURE
SECOND REGULAR SESSION**

**Interim Final Report
of the
COMMISSION TO STUDY THE NEEDS AND
OPPORTUNITIES ASSOCIATED WITH THE
PRODUCTION OF SALMONID
SPORT FISH IN MAINE**

December, 2000

Members:

**Sen. Leo R. Kieffer, co-chair
Rep. Bruce S. Bryant, co-chair
Rep. Kenneth A. Honey
Allen Dennison
Ken Elowe
Bill Gilzini
Richard Neal
Don Palmer
Gary Picard
Urban D. Pierce, Jr.
George Smith
Richard D. Solman
Steve Wilson**

Staff:

Patrick T. Norton, Principal Analyst

**Office of Policy & Legal Analysis
13 State House Station
Augusta, Maine 04333-0013
(207) 287-1670**

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- C. Legislation to Reauthorize the Commission;
- D. Strategic Fish Hatchery Planning and Engineering Study. Fishpro, Inc.
(Executive Summary, Overview and Current Program only. The complete report is available at the Maine State Law Library in the State House, Augusta, Maine.)
- E. Fish Hatchery Effluent Study, Fishpro, Inc.
(Executive Summary, Overview and Current Program only. The complete report is available at the Maine State Law Library in the State House, Augusta, Maine.)

Executive Summary

The Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine, hereafter called the “Commission”, was created by Resolves of 1999, chapter 82.¹ A copy of that Resolve is attached as Appendix A.

As enacted, Resolves of 1999, chapter 82, created a 13 member Commission to study the salmonid fish culture facilities in Maine. Specifically, the Commission was directed to study the production and distribution capabilities of those facilities, the opportunities and needs for salmonid production in Maine and issues relating to waste discharge licensing of those facilities. The Commission was directed to provide recommendations on how to meet the State’s future sport fish production and management needs in the most cost effective manner and to submit those recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by September 29, 2000.² The Commission’s reporting date was extended from September 29, 2000 to December 31, 2000 by the Legislative Council.³ A list of the Commission members is attached as Appendix B.

Work completed to date

The Commission held six meetings between September 28, 1999 and December 5, 2000.⁴ During the course of its study, the Commission undertook a comprehensive review of the current condition of the state owned fish hatchery and the current levels and type of fish production at those facilities. In conducting that review, the Commission organized itself into three subcommittees focusing on discharge issues, fish management issues and oversight of the Department of Inland Fisheries and Wildlife’s hatchery consultant. Those subcommittees each held several meetings to discuss topics related to their area of inquiry. The Commission and its subcommittee’s completed the following substantive tasks:

- 1). Worked with the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection, private fish hatchery owners and

¹ Enacted during the 1st Regular Session of the 119th Legislature with an effective date of June 17, 1999. Resolves of 1999, c. 82, is derived from LD 986, Resolve, Establishing a Commission to Study the Feasibility of Reestablishing a Brook Trout and Landlocked Salmon Hatchery in Northern Maine, sponsored by Senator Kieffer of Aroostook.

² The reporting deadline of the Commission was extended by the Legislative Council in August of 2000 from September 29, 2000 to December 31, 2000.

³ This extension was approved by the Legislative Council at its meeting on July 25, 2000.

⁴ In Brewer on 9/28/99, in Skowhegan on 10/15/99 and in Augusta on 2/16/00, 3/8/00, 6/19/00 and 12/5/00.

members of the public during the development and final issuance of waste discharge licenses for the nine state-owned fish hatcheries.⁵ Obtaining licenses for those hatcheries was a major step that had to be completed before the Commission could undertake its other tasks. The Commission worked with those agencies for over a year to obtain those licenses. Prior to the issuance of these licenses in July, 2000, the hatcheries were operating under licenses last issued in 1983. While the discharge standards set in the recently issued licenses will be the subject of further studies over the next three years, the Commission considers the licensing of those hatcheries a significant step towards a better understanding of the water quality issues associated with the operation of fish hatcheries in the State;⁶

2). Through the work of a consultant working under contract with the Department of Inland Fisheries and Wildlife and under the policy direction of the Commission completed a thorough preliminary strategic fish hatchery planning and engineering study which characterizes and documents the condition of the nine state-owned hatchery facilities and identifies the needs at each facility as well as possible improvements. That consultant also completed a thorough review of the effluent discharge standards contained in the discharge licenses and identified compliance issues and provided guidance to the Commission with respect to what cost effective wastewater treatment options that are available to the State to meet those effluent discharge standards within the three year compliance window; and

3). Began work to determine the future sport fish management needs and to assess how those needs will be met in the most cost effective manner. The Commission will work closely with the Department of Inland Fisheries and Wildlife and the public to assess those needs during the first half of 2001.

Although the Commission feels it has completed a substantial percent of the work outlined in Resolves of 1999, chapter 82, it also believes a substantial amount of work remains to be completed. The Commission feels strongly that those efforts must be completed over the next two years if the State is to remain competitive nationally as a destination location for recreational sport fishing. A recent study by the University of Maine, for example, estimates that, in 1996 recreational fishing activities in Maine generated \$292.7 million in total economic activity which resulted in \$13.5 million in sales taxes and supported 5230 full and part time jobs that paid more than \$5.7 million in state income taxes that

⁵ Final licenses were issued by DEP on July 25, 2000.

⁶ The discharge licenses issued by DEP in July, 2000, provide a 3 year period for the hatcheries to come into compliance with the discharge standards.

year.⁷ Recreational sport fishing is not only an important part of the outdoor heritage of Maine, it has become an important part of the economy of the State.

Maine's nine state-owned hatcheries form the backbone of the sport fishing industry in Maine and are critical to its success in the future. Over the past 40 years, state-owned fish hatcheries have operated for an equivalent of 500 production years and have produced nearly 60 million fish that have been stocked in over 700 lakes and 100 streams statewide. Although the historical trend in the number of fish produced at these facilities has decreased, the total weight of fish produced has increased. In recent years, the state-owned hatcheries have produced more fish, by weight, than at any other time in the state's history.

The nine facilities currently operated by the State were initially constructed between 1857 (Grand Lake Stream) and 1958 (Enfield). In total, these nine hatcheries have been operating for the overall equivalent of 500 production years. The average age of those facilities is 58 years. Many components of those facilities are reaching the end of their useful service life.

Because of the age of these hatcheries, increased demand for more and larger fish and increased costs for environmental compliance, state policy makers are faced with difficult and expensive choices with respect to how to meet the sport fishing needs of the future and maintain a high quality and economically viable recreational sport fishery in the state. To meet those goals, policy makers must set clear fish production and distribution goals and must provide the resources necessary for reliable, efficient and cost effective fish production systems. It is particularly important to note that although recreational fishing activities in Maine generate nearly \$300 million in statewide economic benefits, the hatcheries themselves operate on an annual budget that is directly related to the revenues generated from the sale of resident and nonresident fishing licenses.⁸ To the extent that the hatcheries support such a broad based economic benefits to the State, the Commission feels that it is appropriate to consider broader based revenue sources to fund the needed improvements at those facilities.

Findings and recommendations

⁷ Michael Teisl and Kevin J. Boyle. Economic impact of hunting and inland fishing and wildlife-associated recreation in Maine. Rep #479, Maine Agricultural and Forestry Experiment Station, University of Maine, Orono. November 1998.

⁸ Although the revenues from fishing licenses are not technically "dedicated" for hatcheries, the General Fund appropriations to the Department of Inland Fisheries and Wildlife have been directly linked to the revenues from license sales since the approval of Article 9, section 22 of the Maine Constitution on November 3, 1992.

For those reasons, the Commission makes the following findings and recommendations and offers the following work plan for the next two years:

Finding 1. That legislative policy guidance to the Department of Inland Fisheries and Wildlife is essential over the next two years to establish long term fish production and distribution goals, ensure a high quality and economically viable recreational sport fishery in the state and provide for reliable, efficient and cost effective fish production systems.

Recommendation. *Reauthorize the Commission for an additional two years to complete its assigned tasks and to accomplish the following tasks:*

- *Continue to work with the Department of Inland Fisheries and Wildlife and the Commission's consultant in evaluating the effluent characteristics of fish hatcheries, including private fish hatcheries, with the purpose of ensuring that the State fish hatcheries will be able to comply with licensed effluent discharge standards within three years and to obtain information relevant to discussions of discharge license standards for unlicensed private fish hatcheries;*
- *Set statewide production goals for the number, size and species mix of recreational sport fish over a 10 to 20 year planning horizon. Although Commission as a whole has not made a recommendation on production goals and objections, some members of the Commission feel that a reasonable goal would be to increase annual production by 5 million fish in the next 10 years with an additional 3 million fish in the following 5 years; and*
- *Determine how to meet those production goals in the most cost effective manner by evaluating all production options, including investing in cost effective upgrades to existing state owned facilities to produce more fish, closing non-economic state owned facilities, purchasing fish from privately owned hatcheries and building new capacity in other locations. The assessment of other locations will include a statewide search for new locations that meet specific requirements.*

Finding 2. The 119th Legislature appropriated \$500,000 to the Department of Inland Fisheries and Wildlife for engineering analysis and assessment of state owned fish hatcheries in Part HHHH-1 of Public Laws of 1999, chapter 731. That work is essential and is underway, but will not be completed before the end of the fiscal year in which the funds were appropriated. Unexpended balances in that appropriation must be allowed to carry forward into Fiscal Year 2002 in order to allow that work to be completed.

- **Recommendation.** *Unexpended balances appropriated to the Department of Inland Fisheries and Wildlife under Part HHH-1 of Public Laws of 1999, chapter 731 should be allowed to carry forward into Fiscal Year 2002. Statutory provisions to allow those funds to carry forward are included in legislation attached as Appendix X to be used for the same purposes as they were originally appropriated.*

Work Plan for next 2 years

The Commission has established a work plan to complete the tasks outlined above and to provide a final report to the Second Regular Session of the 120th Legislature no later than October 31, 2002. That work plan would include:

- By July 1, 2001, establish statewide increased production goal for the number, size and species mix of recreational sport fish in Maine for the next 10 to 20 years that includes the equitable distribution of the increased production of fish on a statewide basis;
- By November 1, 2001, complete the detailed engineering evaluation of production and discharge options for fish hatcheries, including some review of effluent licensing of smaller production facilities;
- By July 1, 2002, complete an in depth assessment of all options for meeting fish production goals including investing in cost effective upgrades to existing state owned facilities, closing non-economic state owned facilities, building new capacity in other locations within the state and purchasing fish from privately owned hatcheries. This assessment of possible new locations to determine if those new locations could produce fish more cost effectively than existing facilities; and
- By October 31, 2002, make final recommendations to the Second Regular Session of the 120th Legislature on the production goals for recreational sport fish in Maine and a plan for meeting those production goals in the most cost effective manner.

The Commission will establish subcommittees as necessary to work on these issues or other issues as determined by the Commission.

Background on fish production in Maine

Since the late 19th century, Maine has been actively involved in the management of fisheries in its thousands of lakes, ponds, rivers, and streams. These efforts

have focused on the protection of native self-sustaining populations, as well as the establishment and maintenance of other non-native species throughout the state. Large and smallmouth bass, for example, were introduced to the waters throughout the southern half of the state and today represent a major self-sustaining sport fishery. Other species, such as landlocked salmon, brook trout, brown trout, lake trout and splake, are currently raised in State-owned hatcheries and stocked in over 700 waters throughout the state. Species such as bass, pickerel, perch and other “warm water” species are perpetuated by natural reproduction, so no stocking program for these species is considered necessary.

The production of fish from State-owned hatcheries play a vital role in the maintenance of the salmonid angling opportunities that are highly valued by Maine anglers and thousands of others who visit our State to enjoy its outdoor heritage. According to the Maine Department of Inland Fisheries and Wildlife, over 60 percent of the state’s landlocked salmon waters have inadequate spawning habitat and are maintained by stocking. For example, only about four natural populations of landlocked salmon existed historically within the state. Now there are over 200 lake salmon fisheries statewide.

The State currently owns and operates fish hatcheries in Gray, Casco, New Gloucester, Palermo, Augusta, Embden, Enfield, Grand Lake Stream, and Phillips. Those nine facilities produced 1.25 million fish in 1999 at nine state-owned fish hatcheries. Table 1 shows the current production levels at each of those facilities by species type.⁹ Table 2 shows the 1999 production by size range for each of those species.

Table 1

1999 Fish Production Levels at State-Owned Hatcheries, by Species Type							
Facility	Salmon	Brown Trout	Lake Trout	Brook Trout	Splake	Row Total	
Casco	35,955	42,980	*	18,426	*	97,361	
Dry Mills	1	*	*	155,924	*	155,924	
Embden	28,068	*	*	145,166	*	173,234	
Enfield	23,875	*	23,575	267,945	*	315,395	
Governor Hill	2	*	16,218	71,207	71,546	158,971	
Grand Lake	44,788	*	*	*	*	44,788	
New Gloucester	*	158,557	*	*	*	158,557	
Palermo	*	48,690	*	82,321	*	131,011	
Phillips	3	*	*	16,935	*	16,935	
TOTALS	<u>132,686</u>	<u>250,227</u>	<u>39,793</u>	<u>757,924</u>	<u>71,546</u>	<u>1,252,176</u>	

Data provided by the Department of Inland Fisheries and Wildlife.

1. Includes 4000 brown trout fry.

2. Includes 52,800 brown trout fry, 8400 lake trout fry and 4300 splake fry.

3. Includes 15,786 brown trout fry.

⁹ Data provided by the Department of Inland Fisheries and Wildlife.

A tenth facility located at Deblois was closed in the early 1980's for financial reasons and was subsequently placed under a long-term lease to a private aquaculture firm for the production of Atlantic salmon smolts. The current lease expires in the year 2004.

In recent years, greater reliance has been placed in size, health, and genetic makeup of the Department's hatchery stock to maximize survival in the wild. Although the number of fish stocked has been declining over the years, the size of fish stocked has been steadily increasing. Table 3 shows the number and weight of fish produced at State-owned hatcheries since 1962. According to that data, the overall average weight of a fish raised in a Maine-owned hatchery has increased by about 300% since 1962. The current average production of 250,000 lbs. of fish represents the greatest weight ever produced by the State.

Table 2

1999 Fish Production Levels at State-Owned Hatcheries, by Size						
Size Range	Salmon	Brown Trout	Lake Trout	Brook Trout	Splake	Row Total
Fry	*	*	8,400	72,586	4,300	85,286
2" to 4"	*	51,167	*	71,500	*	122,667
4" to 6"	*	*	*	299,951	*	299,951
6" to 8"	112,213	5,000	30,075	112,714	*	260,002
8" to 10"	11,968	119,130	1,200	126,474	67,246	
10" to 12"	3,650	61,110	*	69,659	*	134,419
12" to 14"	4,355	7,125	*	2,240	*	13,720
14" to 16"	400	6,500	*	942	*	7,842
16" to 18"	*	50	*	959	*	1,009
18" to 20"	100	*	*	674	*	774
20" to 26"	*	145	118	225	*	488
TOTALS	<u>132,686</u>	<u>250,227</u>	<u>39,793</u>	<u>757,924</u>	<u>71,546</u>	<u>1,252,176</u>

Data provided by the Department of Inland Fisheries and Wildlife.

The aging fish production infrastructure

The nine facilities currently operated by the State were initially constructed between 1857 (Grand Lake Stream) and 1958 (Enfield). In total, these nine hatcheries have been operation for the overall equivalent of 500 production years and have an average age of 58 years. According to the Department's consultant, many components of those facilities are reaching the end of their useful service life.¹⁰

¹⁰ The Consultant, Fishpro, Inc., visited 7 of the 9 hatcheries in 1999 and 2000. The Executive Summary and overview sections of their subsequent report to the Commission are included as Appendix X. A copy of the complete report is available for review at the Maine State Law Library in the State House in Augusta, Maine.

In 1987, the status of these facilities was assessed in a comprehensive manner by the Department of Inland Fisheries and Wildlife, and a plan adopted to address a variety of maintenance needs. Although some of these needs have been addressed since that time, inadequate funds have kept maintenance and enhancement projects at less than desired levels. Raceway renovations were completed at several facilities (Grand Lake Stream, Palermo, Governor Hill, and Dry Mills), and production increased at Dry Mills by increasing water supplies and reclaiming previously unused raceways. Recent renovations to the water supply dam, construction of a new hatchery facility, and development of underground well water supplies have greatly enhanced the operation of the New Gloucester

Table 3

facility. At Governor Hill, new sources of well water have been located that will allow a significant expansion in both brood rearing and fry production, while also allowing for a modest increase in fish for stocking. In addition, voluntary assistance from some of the larger paper companies, through an "Adopt-A-Hatchery" program, is providing technical support and assistance needed to address many ongoing maintenance needs at each facility. All of the nine facilities have been adopted and will be benefiting from significant corporate/employee contributions resulting in major improvements. The Department is also committing significant resources (up to \$250,000 annually over the next few years) to support this effort.

During the 1990's, considerable effort was spent on two initiatives to fund improvements at state hatcheries. The first attempt was in 1994 when the Legislature approved a \$10 million bond referendum that, if passed by the voters, would have funded improvements and expansions of state fish hatcheries.¹¹ That referendum failed to receive a majority vote in the general election of November, 1994.¹² A second fish hatchery bond issue for \$5 million was contemplated two years later in 1996. At that time, the Department's proposal was to use funds from a bond issue to incorporate new fish rearing technology into the existing facilities, expand and protect their water supplies and upgrade effluent treatment facilities to meet new discharge requirements associated with expanded production. That proposal was withdrawn before going before the voters, however, because of the lack of a detailed long-range plan upon which the use of such funds based.

The Commission members agree that the overall goal of the State's fish production systems is to substantially increase the production of more and larger fish for stocking in rivers and lakes statewide. Although some increase in production could be obtained at our existing state-owned facilities for relatively little capital outlay, it is clear that any future expenditure to increase the production at those facilities must be compared to the cost of other options, such as building new facilities or purchasing fish from private hatcheries in operation throughout the State. In addition, those expenditures must be based on a long range plan that allows the State to reach its production goals in the most cost-effective manner. Determining those production goals and developing a plan to reach those goals must, however, wait for the results of further economic and engineering analyses, which the Commission anticipates can be completed over the next 12 months using funds appropriated for that purpose by the 119th Legislature.

Effluent issues at hatchery facilities

On July 25, 2000, the Maine Department of Environmental Protection issued 5-year waste discharge licenses to the nine state-owned fish hatcheries. Those licenses impose monthly and yearly effluent limits on phosphorus, suspended solids and dissolved oxygen, although each of the licenses includes a provision allowing the hatcheries three years to comply with the effluent limits. At the request of the Commission, the Department of Inland Fisheries and Wildlife contracted with Fishpro, Inc., to conduct an effluent study of those hatcheries to determine how the discharge characteristics compared to the effluent limits in the discharge licenses, whether or not compliance was achievable within the 3

¹¹ Private and Special Laws of 1993, chapter 90 (LD 1756).

¹² That referendum was supported by 238,092 voters (48.9%) and rejected by 249,142 voters (51.1%).

year compliance window and, if compliance could not be guaranteed, what effluent treatment options were available to the hatcheries that would allow them to meet their discharge limits when those limits take effect in 2003. That analysis was completed in December of this year and presented to the Commission at its final meeting on December 5, 2000.¹³ Licensing these facilities proved to be a major hurdle for the Commission, and required a substantial commitment of time in 1999 and 2000. Now that those licenses have been issued, the Commission will be able to move more rapidly to complete its other tasks.

The analysis determined that five of the hatcheries are currently in compliance with all the effluent limits in the discharge licenses. Those facilities are Casco, Embden, Grand Lake Stream and New Gloucester. Effluent from three other hatcheries, Dry Mills, Governor Hill and Phillips, do not currently meet the license limits for phosphorus and dissolved oxygen, and are at risk of being in noncompliance with their discharge license in 2003 unless some steps are taken to further treat the effluent from those facilities. The compliance status of the Palermo hatchery is uncertain at this time, due to some technical concerns about how the phosphorus limit included in that facility's license was calculated. All nine hatcheries will likely be unable to meet the discharge limits included in the licenses that apply to effluent concentrations during rearing unit cleanings. This issue, along with the Palermo phosphorus limit, will continue to be discussed with the Department of Environmental Protection over the next year.

As a result of this analysis, the Commission has endorsed recommendations by Fishpro, Inc., and the Department of Inland Fisheries and Wildlife to meet with the Department of Environmental Protection to re-negotiate the discharge licenses to address the Palermo phosphorus limit and the limits applicable to rearing unit cleaning. In addition, the Commission encourages the Department of Inland Fisheries and Wildlife to undertake immediate measures to implement improved solids recovery and management of existing treatment basins at the three hatcheries currently operating above limits established in their discharge permits. Further, the Commission encourages the Department to give a high priority to improvements of solids collection and disposal systems at facilities with solids recovery systems and to evaluate the costs of constructing effluent treatment systems at those hatcheries without solids recovery systems.

¹³ The Executive Summary and overview sections of the Fishpro effluent study are included as Appendix X. A copy of the complete report is available for review at the Maine State Law Library in the State House in Augusta, Maine.

APPENDIX A

Membership List

Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

Rep. Bruce S. Bryant, House Chair
2470 Canton Point Road
Dixfield, ME 04224

Sen. Leo R. Kieffer, Senate Chair
12 Harvest Road
Caribou, ME 04736

Rep. Kenneth A. Honey
P. O. Box 6
Boothbay, ME 04537

Bill Gilzini
132 Arno Road
Dexter, ME 04930

Don Palmer
P. O. Box 740
Rangeley, ME 04970

Richard Neal
650 Milton Mills Road
Acton, ME 04001

Gary Picard
P. O. Box 32
Frenchville, ME 04745

Urban D. Pierce, Jr.
P. O. Box 187
West Buxton, ME 04093

Richard D. Solman
P. O. Box 665
Caribou, ME 04736

George Smith
RR #1, Box 1174
Augusta, ME 04330

Allen Dennison
P. O. Box 155
Solon, ME 04979

Ken Elowe
Department of IFW
41 State House Station

Steve Wilson
Superintendent of Fish Culture
Department of IFW
41 State House Station

APPENDIX B

CHAPTER 82

S.P. 332 - L.D. 986

Resolve, Establishing a Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

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

Whereas, the salmonid sport fishery in Maine is important to the economy of the State; and

Whereas, the continuation of a healthy salmonid sport fishery requires careful management; and

Whereas, several critical factors necessary for effective management of that fishery must be studied; and

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

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

Sec. 2. Commission membership. Resolved: That the commission consists of the following 13 members:

1. One member of the Joint Standing Committee on Inland Fisheries and Wildlife appointed by the President of the Senate;

2. Two members of the Joint Standing Committee on Inland Fisheries and Wildlife appointed by the Speaker of the House;

3. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;

4. The Superintendent of Fish Culture, Department of Inland Fisheries and Wildlife;

5. One member of Trout Unlimited nominated by the president of that organization and appointed by the Governor;

6. Two members of the Inland Fisheries and Wildlife Advisory Council appointed by the Governor;

7. Three individuals representing owners or operators of a private fish hatchery in the State appointed by the Governor;

8. One member of the Sportsman's Alliance of Maine nominated by the president of that organization and appointed by the Governor; and

9. One individual who owns or operates a private aquaculture facility in the State and who is appointed by the Governor; and be it further

Sec. 3. Appointments; meetings. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities must notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chairs of the commission shall call and convene the first meeting of the commission no later than August 1, 1999. The first named Senate member is the Senate chair and the first named House member is the House chair; and be it further

Sec. 4. Duties. Resolved: That the commission shall assess and evaluate salmonid fish culture facilities in Maine and associated production and distribution capabilities, opportunities and needs, including waste discharge licensing issues. In addition, the commission shall develop recommendations designed to provide for the production and distribution of fish needed to meet future sport fish management program needs in the most cost effective manner; and be it further

Sec. 5. Staff assistance. Resolved: That the commission shall request staffing assistance from the Legislative Council; and be it further

Sec. 6. Compensation. Resolved: That legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the commission; and be it further

Sec. 7. Report. Resolved: That the commission shall submit its report, together with any necessary implementing legislation, to the Joint Standing Committee on Inland Fisheries and Wildlife no later than September 29, 2000. If the commission requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 8. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1999-00 **2000-01**

LEGISLATURE

Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

Personal Services	\$660	\$495
All Other	2,700	2,150

Provides funds for the per diem and expenses of legislative members and expenses for other eligible members of the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine and to print the required report.

LEGISLATURE

TOTAL	\$3,360	\$2,645
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Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

APPENDIX C

Draft Resolve to Reauthorize the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

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

Whereas, 119th Legislature originally established the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine in Resolves of 1999, chapter 82, with a reporting date of December, 2000;

Whereas, the 119th also Legislature appropriated \$500,000 to be spent over the current biennium for engineering design for the Embden Hatchery and a statewide assessment of all other hatchery facilities;

Whereas, Reauthorization of this Commission for a two year period is essential to complete the original duties assigned to the Commission and to provide on-going Legislative policy guidance on the expenditures of those funds appropriated for engineering design for the Embden Hatchery and a statewide assessment of all other hatchery facilities; and

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

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

Sec. 2. Commission membership; appointed, Ad-hoc and ex officio members. Resolved: The Commission consists of 13 appointed members and one 1 Ad-hoc members as provided below:

1. That, except as otherwise provided in this section, all members appointed pursuant to Resolves of 1999, chapter 82, are reappointed as members of this Commission;
2. The President of the Senate shall appoint one member of the Senate to replace former Senator Leo Kieffer, who was appointed by the President of the Senate during the First Regular Session of the 119th Legislature as the Senate chair of the Commission established by Resolves of 1999, chapter 82. The person appointed to replace former Senator Kieffer shall be the Senate chair of the Commission; and

3. That former Senator Leo Kieffer is appointed as an ad hoc voting member of the Commission; and
4. The Governor shall appoint one person to replace one of the persons appointed by the Governor under Resolves of 1999, chapter 82, section 2, paragraph 6, and one person to replace the person appointed by the Governor under Resolves of 1999, chapter 82, section 2, paragraph 9.

Sec. 3. Duties. Resolved: That the commission shall complete all duties prescribed in Resolves of 1999, chapter 82 and shall provide oversight and policy guidance to the Department of Inland Fisheries and Wildlife with respect to the expenditure of funds appropriated by the 119th Legislature in Public Laws of 1999, chapter 731, Parts A-1 and HHHH-1, for engineering design for the Embden Hatchery and a statewide assessment of all other hatchery facilities. In addition, the Commission shall also:

1. Continue to work with the Department of Inland Fisheries and Wildlife and the department's consultant continue the work of evaluating the effluent characteristics of fish hatcheries, including private fish hatcheries, with the purpose of ensuring that the State fish hatcheries will be able to comply with licensed effluent discharge standards within three years and to obtain information relevant to discussions of discharge license standards for unlicensed private fish hatcheries;
2. Set statewide production goals for the number, size and species mix of recreational sport fish over a 15 to 20 year planning horizon;
3. Determine how to meet those production goals in the most cost effective manner by evaluating all production options, including options for investing in cost effective upgrades to existing state owned facilities to produce more fish, closing non-economic state owned facilities and building new capacity in other locations in Maine and purchasing fish from privately owned hatcheries; and
4. Within existing budgeted resources, undertake any studies or other activities as are necessary to complete the tasks outlined above.

Sec. 4. Staff assistance. Resolved: That the commission shall request staffing assistance from the Legislative Council; and be it further

Sec. 5. Compensation. Resolved: That legislative members and ad-hoc members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the commission that occur on days in which the Legislature is not in Session. Other members not otherwise compensated by their employers or other entities whom they represent are entitled to

receive reimbursement of necessary expenses for their attendance at authorized meetings of the commission; and be it further

Sec. 6. Report. Resolved: That the commission shall submit an interim report to the Joint Standing Committee on Inland Fisheries and Wildlife no later than December 1, 2001 and a final report to that same committee no later than October 31, 2002; and be it further

Sec. 7. Unexpended balances carried forward. Unexpended funds appropriated by Public Laws of 1999, chapter 731, Parts A-1 and HHHH-1, to the Department of Inland Fisheries and Wildlife, Fisheries and Hatcheries operation, are carried forward to Fiscal Year 2001-02 and must be used for the purposes originally appropriated. Those funds may not be encumbered for any purpose without prior consultation with the Commission;

Sec. 8. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

	2000-01	2001-02
LEGISLATURE		
Commission to Study the Needs And Opportunities Associated with the Production of Salmonid Sport Fish in Maine		
Personal Services	\$1,200	\$1,200
All Other	<u>\$1,200</u>	<u>\$1,200</u>
Total	\$2,400	\$2,400

Provides funds for the per diem and expenses of legislative members and ad-hoc members and expenses for other eligible members of the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine and to print the required reports. This appropriation includes funds for advertising up to 2 public hearings and printing of the interim and final report.

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

SUMMARY

This Resolve reauthorizes for an additional two years a study commission originally established by the 119th Legislature by Resolves of 1999, chapter 82. The purpose of this Commission is to study the needs and opportunities associated with the production of salmonid sport fish in Maine.

The Resolve reappoints all the members of the Commission originally appointed in 1999, except that it requires the Senate President to appoint a member of the Senate to replace a former Senator and requires the Governor to fill two vacancies among public members appointed by the Governor in 1999. This Resolve appoints the former Senator as an ad-hoc, voting member of this Commission.

The Resolve also carries forward into FY 2001-02 all unexpended balances appropriated to the Department of Inland Fisheries and Wildlife for FY 200-01 for fish hatchery engineering work. The Resolve appropriates a total of \$4,800 for authorized per diem and expenses of commission members, advertising costs for up to two public hearings and the printing of an interim and final report.

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APPENDIX D
(Not included, see hard copy of report)

APPENDIX E
(Not included, see hard copy of report)