

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE
IN OPPOSITION TO L.D.128**

**LD TITLE: “AN ACT TO ABOLISH THE INLAND FISHERIES AND WILDLIFE
ADVISORY COUNCIL”**

SPONSORED BY: Senator HASKELL of Cumberland

CO-SPONSORED BY: Representative SHAW of Standish

DATE OF HEARING: February 28, 2013

Good afternoon Senator Dutremble, Representative Shaw and members of the Inland Fisheries and Wildlife Committee. I am Andrea Erskine, Deputy Commissioner at the Maine Department of Inland Fisheries & Wildlife. I am speaking in opposition to L.D. 128, which proposes to eliminate the Inland Fisheries and Wildlife Advisory Council.

The Advisory Council has a long history, beginning in 1945 when it was established by P.L. c. 374, for the purpose of “rendering advice concerning the administration of the Department to the commissioner”. From that point until 1976, the only statutory changes were to the timing of meetings, requiring the election of a chair, and the expenses paid to members. In 1976, the composition of the council was amended and went from 7 members (one from each district of the Governor’s Executive Council) to no more than 8 members (representing management units); this was the case until 1990 when the current composition was established (county representation by 10 members). The only other changes of substance was in 1982 when the law required that the meetings be open to the public and public comment, restricted to subjects before the council, would be accepted.

In 1979 the law was amended to require the council’s consent for any rulemaking done by the Department.

The role, however, goes beyond providing consent to rules. They also provide input during the process from the people, in the counties, they represent. This gives the members an opportunity to give consideration to the public’s opinion during the rulemaking process. Oftentimes, it is easier for the public to reach out to their council member on an issue as they reside within the counties they represent. It is a valuable service to the public.

In order to address a conflict between the statute that requires public comment at the meetings, and the Administrative Procedures Act (Title 5), which establishes a comment deadline for the public, we have implemented a process that allows for both. This extends the process to some degree as it requires a meeting during the public comment period in order to accept input from the council. It then requires a 3rd meeting, after the public comment period has closed when the commissioner presents the rule to the council for consent. At this meeting public testimony is not allowed, due to the fact that the comment period has ended.

I would end by saying that we believe the Advisory Council plays a vital role in the rulemaking process, both as a benefit to the public and to the agency as well – members go through a nomination /approval process by the Legislature, ensuring that the members are knowledgeable of the subject matters coming before them.

I would be happy to answer any questions the Committee may have.