

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 764

H.P. 573

House of Representatives, February 4, 1997

**An Act Concerning Regulatory Authority to Protect Certain Marine
Organisms.**

(EMERGENCY)

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ETNIER of Harpswell.
Cosponsored by Senator GOLDTHWAIT of Hancock.

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

4
6 **Whereas,** current law authorizes the Commissioner of Marine
Resources to adopt or amend rules that limit the taking of marine
organisms; and

8
10 **Whereas,** whales and other marine organisms that are
protected under state and federal law are becoming entangled in
fishing gear and dying; and

12
14 **Whereas,** immediate action is needed to prevent further
needless losses to these protected species; and

16 **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
18 necessary for the preservation of the public peace, health and
20 safety; now, therefore,

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

24 **Sec. 1. 12 MRSA §6001, sub-§26,** as amended by PL 1987, c. 312,
§2, is further amended to read:

26
28 **26. Marine organism.** "Marine organism" means any animal,
plant or other life that inhabits coastal waters below head of
tide.

30 **Sec. 2. 12 MRSA §6171, sub-§5** is enacted to read:

32
34 **5. Rules to limit taking of marine organisms.** The
commissioner may adopt rules that limit the taking of a marine
organism for the purpose of protecting another marine organism.
36 Rules adopted pursuant to this subsection are routine technical
rules, pursuant to Title 5, chapter 375, subchapter II-A.

38
40 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

42
44 **SUMMARY**

46 This bill amends current rule-making authority of the
Commissioner of Marine Resources to allow the regulation of
taking a particular marine organism in order to protect another
48 marine organism.