

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 834

S. P. 287

In Senate, February 14, 1973

Referred to the Committee on Marine Resources. Sent down for concurrence and ordered printed.

HARRY N, STARBRANCH, Secretary

Presented by Senator Huber of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Marine Fishery Regulations.

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

Sec. 1. R. S., T. 12, § 3401, sub-§ 5-A, additional. Section 3401 of Title 12 of the Revised Statutes is amended by adding a new subsection 5-A, to read as follows:

5-A. Conservation. "Conservation" as used in the laws and regulations administered by the Department of Sea and Shore Fisheries means providing for the development and wise utilization of marine resources, protecting the ultimate supply for present and future generations, preventing waste and implementing a sound management program.

Sec. 2. R. S., T. 12, § 3504, amended. The first paragraph of section 3504 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

The commissioner shall make regulations to assure the conservation of renewable marine resources in any of the coastal waters or flats of the State, subject to the following provisions:

Sec. 3. R. S., T. 12, § 3504, sub-§ 1, ¶¶ E and F, additional. Subsection 1 of section 3504 of Title 12 of the Revised Statutes is amended by adding 2 new paragraphs E and F, to read as follows:

E. The length taken;

F. The location.

Sec. 4. R. S., T. 12, § 3505, sub-§ 1, ¶ C, additional. Subsection 1 of section 3505 of Title 12 of the Revised Statutes is amended by adding a new paragraph C, to read as follows:

C. The commissioner may investigate or cause to be investigated conditions affecting renewable marine resources in any coastal waters or flats of the State, and may on his own initiative with the advise and consent of the advisory council, make or amend such regulations as he deems necessary to conserve renewable marine species or to promote their propagation to the extent provided in section 3504 and in accordance with the procedure provided in this section. To adopt or amend a regulation under this paragraph, the commissioner shall prepare a written declaration containing the following information:

- (1) The regulation or the amendment which he proposes to adopt;
- (2) The general location, or location to be governed by the regulation or the amendment.

Sec. 5. R. S., T. 12, § 3505, sub-§ 2, ¶ B, amended. Paragraph B of subsection 2 of section 3505 of Title 12 of the Revised Statutes is amended to read as follows:

B. The commissioner shall cause the notice to contain all the information required to be in the declaration of emergency, **the declaration on his own initiative**, or the petition, whichever is applicable.

Sec. 6. R. S., T. 12, § 3505, sub-§ 2, ¶ C, amended. The first sentence of paragraph C of subsection 2 of section 3505 of Title 12 of the Revised Statutes is amended to read as follows:

The commissioner shall cause the notice to be published in a newspaper published in the county where the petition or declaration of emergency, **the declaration on his own initiative**, alleges the condition exists, or

Sec. 7. R. S., T. 12, § 3505, sub-§ 3, ¶ A, amended. Paragraph A of subsection 3 of section 3505 of Title 12 of the Revised Statutes is amended to read as follows:

A. The commissioner may appoint some member of the advisory council or some member of the department to conduct the hearing.

Sec. 8. R. S., T. 12, § 3505, sub-§ 4, repealed and replaced. Subsection 4 of section 3505 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

4. Commissioner to adopt regulation after hearing; consent of advisory council. After the hearing the commissioner shall adopt a regulation to remedy the danger declared under subsection 1, paragraph A, proven at the hearing to exist.

A. The commissioner may adopt any regulation proposed under subsection 1, paragraph B, provided that the proposed regulation is first submitted to the advisory council for its advice and consent.

B. The commissioner may adopt a regulation proposed under subsection 1, paragraph C, provided that the commissioner is still satisfied that the marine species will be conserved, or their propagation promoted and that the regulation is in the best interest of the State.

Sec. 9. R. S., T. 12, § 3505, sub-§ 6 ¶ B, amended. The first sentence of paragraph B of subsection 6 of section 3505 of Title 12 of the Revised Statutes is amended to read as follows:

The commissioner may provide a specific time after newspaper publication when a regulation adopted under a declaration of emergency or a declaration of his own initiative becomes effective.

STATEMENT OF FACT

This bill clarifies the responsibility of the Commissioner of Sea and Shore Fisheries to protect marine resources, and provides broader authority to promulgate regulations to prevent waste and destruction of marine resources before emergencies develop.