

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 500**

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H. P. 412 House of Representatives, January 30, 1975  
Referred to the Committee on Marine Resources. Sent up for concurrence  
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Tyndale of Kennebunkport.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**AN ACT to Create the Foreign Fishing Damage Relief Fund.**

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

Whereas, fishing vessels of Maine registry have suffered damage to their equipment from the unseamanlike actions of foreign fishing vessels; and

Whereas, this damage gravely threatens the vitality of Maine's fishing fleet; and

Whereas, it is necessary for immediate economic assistance to be rendered to the injured fishing industry of this State; 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 enacted by the People of the State of Maine, as follows:

Sec. 1. 12 MRSA, § 3706, is enacted to read:

**§ 3706. Foreign fishing damage relief fund**

1. **Authorization.** The commissioner shall establish a fund, to be known as the "Foreign Fishing Damage Relief Fund." The purpose of this fund is to provide compensation to owners or operators of fishing vessels registered in Maine who have suffered damage to their fishing equipment from fishing vessels of foreign registry.

2. Procedure on application. When an owner or operator of a fishing vessel registered in Maine certifies to the commissioner that a fishing vessel of foreign registry has damaged his fishing equipment, the commissioner shall compensate the owner of the fishing vessel within 30 days of the arrival of the certification at the department. The compensation shall be for \$2,000 or for the amount of the damage, whichever is less.

3. Investigation. Within 30 days of the receipt of the certification at the department, the commissioner shall investigate the certification. Within 60 days of the receipt of the investigation, the commissioner shall determine whether or not the certification was made in good faith. If he determines that it was not, he shall forward the certification with his findings to the Attorney General. Submission of a false certification to the commissioner or his designee is a misdemeanor.

4. Conditions of compensation. The granting of compensation to the owner of a Maine registered fishing vessel shall be conditioned on first, the proceeds of the compensation being used to repair damage to the damaged fishing equipment; and 2nd, the owner assigning to the commissioner any right to recovery for damage caused by fishing vessels of foreign registry.

5. Recovery for claims. The commissioner shall seek recovery for all claims assigned to him against foreign registered fishing vessels and all moneys collected under these claims shall be paid into the Foreign Fishing Damage Relief Fund.

6. Designation. The commissioner is authorized to designate persons within the department who shall carry out the duties of this section.

7. Regulations. The commissioner, after a public hearing, preceded by adequate notice to the public, may adopt any rules or regulations necessary to carry out the duties of this section. The commissioner shall furnish a reasonable number of copies of these rules or regulations to members of the public upon request.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Marine Resources the sum of \$50,000 to carry out the purposes of this Act. It is the intent of this Act that the Legislature shall make annual appropriations necessary to maintain this fund at \$50,000. All appropriations by the Legislature shall not lapse but shall be carried forward and expended for the purpose of this fund. The breakdown shall be as follows:

MARINE RESOURCES, DEPARTMENT OF	1975-76
Foreign Fishing Damage Relief Fund	\$50,000

Sec. 3. Intent. It is the intent of this Act that the commissioner shall only compensate claims arising on or after the effective date of this Act.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

The purpose of this bill is set forth in the emergency preamble.