

# MAINE STATE LEGISLATURE

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(New Title)  
New Draft of: H. P. 412, L. D. 500

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 1681

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H. P. 1489

House of Representatives, April 11, 1975

Reported by Mr. Greenlaw from the Committee on Marine Resources and printed under Joint Rules No. 18.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT to Create the Maine Fishing Gear Damage Fund.

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

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

§ 3706. Maine Fishing Gear Damage Fund

1. Findings and purpose. The Legislature finds that fishing gear and equipment owned by Maine residents whose fishing vessels are registered in Maine or documented by the United States Coast Guard are being damaged and lost by actions of fishing vessels of foreign registry and that Maine residents frequently are unable to recover by individual action from such foreign fishing vessel owners the costs of repairing or replacing damaged and lost gear and equipment.

The Legislature further finds that Maine's fishing fleet is gravely threatened by such continued losses and that in order to preserve the economic benefits of the commercial fisheries to the State and its people, the Legislature intends through the enactment of this legislation to provide a procedure whereby Maine fishing vessel owners suffering such damage can be promptly compensated. To carry out the purpose stated herein, the Commissioner of Marine Resources shall establish a fund called the "Maine Fishing Gear Damage Fund".

2. Procedure for application for compensation. Any Maine fishing vessel owner claiming to have suffered damages to gear or equipment as a result of direct or indirect acts of a foreign fishing vessel shall make application for compensation within 30 days of such damage to the commissioner on a form

provided by the commissioner. Such application form shall include provisions whereby the applicant certifies that the gear had been properly marked in accordance with international regulation on marking fishing gear for navigational purposes, the value of the gear and equipment losses and the circumstances of the loss with sufficient information and evidence so that the commissioner can investigate the claim.

Within 30 days of receipt of the application, the commissioner shall certify the amount of the claim and the name of the claimant to the Treasurer of State, who shall pay the same to compensate the owner of the fishing vessel for the amount of damage claimed, not to exceed \$2,000. Damages omitted from any claim for which compensation is awarded shall be deemed waived.

3. Investigation. Within 60 days of receipt of an application, the commissioner shall verify the facts certified in the application. If the commissioner finds that the application and claim may contain false information and statements, he shall forward the application and claim and the results of his investigation to the Attorney General. A person convicted of having submitted an application and claim containing false information and statements shall be guilty of a felony.

4. Use of compensation. The compensation received from the fund shall be applied to repairing and replacing damaged gear. Any Maine fishing vessel owner successfully recovering compensation from a foreign fishing vessel owner for damaged gear and equipment shall reimburse the fund for the amount awarded to him by it. Notice shall be given to the commissioner of claims made against any foreign fishing vessel owner, the amount of the claim and the disposition of the claim, including the amount of settlement, if any.

5. State recovery for claims. The Department of Marine Resources is subrogated to the rights of the Maine fishing vessel owner and has a claim for relief or cause of action against the foreign fishing vessel, separate from that of the claimant to the extent that he has been compensated by the fund, to the extent that such claims are recoverable under state, federal or international law. Any recovery made shall be paid to the 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

Maine Fishing Gear Damage 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.

## STATEMENT OF FACT

The limited compensation provided by this fund will permit Maine fishermen to repair and replace their gear which has been damaged or lost as the result of unseamanlike actions of foreign fishing vessels.