

MAINE STATE LEGISLATURE

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(After Deadline)
(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1096

H. P. 941

House of Representatives, March 12, 1979

Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.

Presented by Mr. Fowlie of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Establish a Moratorium on Issuing Commercial Fishing Licenses.

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

Whereas, the Federal Government has severely limited the quotas of fish that may be taken in waters under the Fishery Conservation and Management Act; and

Whereas, many fishermen have had their fishing activities in waters under federal jurisdiction severely restricted as a result of the quotas and closures; and

Whereas, these restrictions do not apply to the waters within the state's jurisdiction; and

Whereas, the Department of Marine Resources has received a great number of inquiries and applications for commercial fishing licenses in the last few days; and

Whereas, it appears that this sudden increase in applications is part of a concerted effort to circumvent the federal regulations; and

Whereas, there are presently no statutory provisions that permit the Commissioner of Marine Resources to distinguish the genuine and legitimate applications from others; and

Whereas, issuing licenses to all these applicants will either seriously deplete fish stocks or provide a subterfuge for evading federal regulations; and

Whereas, a moratorium on the issuing of licenses will allow time to consider revisions in our statutes to meet this serious and immediate threat; 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:

12 MRSA § 6501, sub-§ 7 is enacted to read:

7. License freeze. On or after the effective date of this section, commercial fishing licenses shall be issued only to persons who are recorded by the Department of Marine Resources as having held a commercial fishing license, a lobster and crab fishing license or a scallop license between January 1, 1977 and January 1, 1979.

This subsection shall be repealed on June 1, 1979.

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 to establish a moratorium on issuing commercial fishing licenses.