

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-433)  
110TH LEGISLATURE  
FIRST REGULAR SESSION

L.D. 1415

COMMITTEE AMENDMENT "A" to H.P. 1191, L.D. 1415, Bill,  
"AN ACT to Prevent Gear Conflicts."

Amend the Bill by striking out everything after the  
enacting clause and inserting in its place the following:

'12 MRSA §6171-A is enacted to read:

§6171-A. Prevention of gear conflicts

1. Commissioner's powers. The commissioner may investigate conditions affecting conflicts among harvesters of marine organisms and, with the advice and consent of the advisory council, may adopt or amend regulations he deems necessary to prevent gear conflicts and promote the optimum development of marine organisms.

2. Limitations. The limitations of section 6171, subsection 2 shall also apply to regulations to prevent gear conflicts.

3. Considerations. In adopting rules to prevent gear conflicts, the commissioner shall consider:

A. Traditional uses of the marine organisms;

B. Total economic benefits to the area in which the organisms are harvested; and

C. Optimum economic and biological management of marine resources.

In each case, the commissioner shall accommodate the needs of all interested parties to the maximum extent possible, through provisions for joint use, alternate use or other methods.

4. Procedure. In adopting or amending any gear conflict regulations, other than an emergency regulation, the commissioner shall use the procedures required for rule making under the Maine Administrative Procedure Act, Title 5, chapter 375, and the additional requirements of subchapter II.

5. Emergency regulations. The following provisions shall apply to emergency regulations.

A. The commissioner may adopt or amend regulations under emergency procedures if immediate action is necessary to prevent serious economic dislocation to the area in which marine resources are harvested.

B. In an emergency adoption or amendment of gear conflict regulations, prior public notice and hearing shall not be required. Emergency regulations under this section shall be in effect for no more than 90 days and may be repealed by the advisory council.'

#### Statement of Fact

This amendment clarifies the authority of the Commissioner of Marine Resources to adopt rules to prevent gear conflicts.

Reported by the Committee on Marine Resources.  
Reproduced and distributed under the direction of the Clerk of the House.

5/19/81

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