

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 255

7 H.P. 221

House of Representatives, January 29, 1985

8 Submitted by the Department of Marine Resources prusuant to Joint
9 Rule 24.

10 Reference to the Committee on Marine Resources suggested and ordered
printed.

EDWIN H. PERT, Clerk

Presented by Representative Crowley of Stockton Springs.

11 Cosponsored by Representative Vose of Eastport, Senator Brown of
Washington and Representative Rice of Stonington.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Deputize National Marine Fisheries
18 Service Officers and United States
19 Coast Guard Personnel as Department of
20 Marine Resources Marine Patrol
21 Officers and Define Possession.
22

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

25 Sec. 1. 12 MRSA §6001, sub-§34-A is enacted to
26 read:

27 34-A. Possession. "Possession" means to have in
28 one's custody or control, either personally, or by
29 another who is under one's control.

30 Sec. 2. 12 MRSA §6022, sub-§6, as enacted by PL
31 1977, c. 661, §5, is amended to read:

32 6. Enforcement agreements. The commissioner may
33 enter into reciprocal enforcement agreements with po-
34 litical subdivisions of the State and with other

1 states, regional authorities and the Federal Govern-
2 ment. The commissioner may designate and deputize
3 federal law enforcement personnel and law enforcement
4 personnel from other states to enforce marine re-
5 source laws and regulations. In that event, the com-
6 missioner shall designate the specific laws and regu-
7 lations to be enforced. Agents so deputized may en-
8 force those laws and regulations so designated by the
9 commissioner. Agents so deputized by the commissioner
10 shall have the powers of a marine patrol officer, as
11 defined in section 6025.

12 STATEMENT OF FACT

13 The handling, shipment or any other means of
14 dealing in seafood products, when those products in-
15 volve any statutory or regulatory stipulations, such
16 as size, should be under the supervision and respon-
17 sibility of the individual who has primary interest
18 in the product. The proposed definition provides that
19 individuals who direct others to handle products also
20 bear some responsibility.

21 At the present time, marine patrol officers are
22 deputized as National Marine Fisheries Service Offi-
23 cers under terms of contracts held by the Department
24 of Marine Resources with the National Marine Fisher-
25 ies Service. It would be beneficial to the State and
26 the commercial fishing industry if the Commissioner
27 of Marine Resources had the statutory authority to
28 cross-deputize National Marine Fisheries Service Of-
29 ficers, Coast Guard personnel and law enforcement
30 agents from other states. This means that these fed-
31 eral officers would have the authority to investigate
32 and document violations of state marine laws and reg-
33 ulations as specified by the commissioner. This would
34 add significantly to state enforcement capabilities
35 at no cost to the State.

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