

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 221, L.D. 255)
2 (New Title)
3 FIRST REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 775

9 H.P. 631

House of Representatives, February 28, 1985

10 Reported by Representative Rice from the Committee on Marine
11 Resources and printed under Joint Rule 2. Original bill sponsored by
12 Representative Crowley of Stockton Springs. Cosponsored by Representative
Vose of Eastport, Senator Brown of Washington and Representative Rice of
Stonington.

EDWIN H. PERT, Clerk

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-FIVE
18

19 AN ACT to Deputize National Marine Fisheries
20 Service Officers, United States Coast
21 Guard Personnel and Law Enforcement
22 Personnel of Other States as
23 Department of Marine Resources Marine Patrol
24 Officers and to Define Possession.
25

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

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

30 34-A. Possession. "Possession" means to have in
31 one's custody or control, either personally or by an-
32 other who is under one's control.

33 Sec. 2. 12 MRSA §6022, sub-§6, as enacted by PL
34 1977, c. 661, §5, is amended to read:

1 6. Enforcement agreements. The commissioner may
2 enter into reciprocal enforcement agreements with po-
3 litical subdivisions of the State and with other
4 states, regional authorities and the Federal Govern-
5 ment. Pursuant to these agreements, the commissioner
6 may designate and deputize federal law enforcement
7 personnel and law enforcement personnel from other
8 states to enforce marine resource laws and rules. In
9 that event, the commissioner shall designate the spe-
10 cific laws and rules to be enforced. Agents so depu-
11 tized may enforce those laws and rules so designated
12 by the commissioner. Agents so deputized by the com-
13 missioner shall have the powers of a marine patrol
14 officer, as defined in section 6025.

15 STATEMENT OF FACT

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

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

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