

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 (New Draft of H.P. 607, L.D. 877)  
3 (New Title)  
4 FIRST REGULAR SESSION  
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6 ONE HUNDRED AND TWELFTH LEGISLATURE  
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8 Legislative Document

No. 1548

10 H.P. 1066

House of Representatives, May 20, 1985

11 Reported by Representative Ruhlin from the Committee on Marine  
12 Resources and printed under Joint Rule 2. Original bill sponsored by  
13 Representative Crowley of Stockton Springs. Cosponsored by Senator  
Chalmers of Knox, Representative Ruhlin of Brewer and Senator Shute of  
Waldo.

EDWIN H. PERT, Clerk

14  
15 STATE OF MAINE  
16

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17 IN THE YEAR OF OUR LORD  
18 NINETEEN HUNDRED AND EIGHTY-FIVE  
19

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20 AN ACT to Clarify and Correct Certain Laws  
21 Relating to Marine Resources  
22 Laws.  
23

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24 Emergency preamble. Whereas, Acts of the Legis-  
25 lature do not become effective until 90 days after  
26 adjournment unless enacted as emergencies; and

27 Whereas, ambiguities exist in the marine re-  
28 sources laws; and

29 Whereas, these ambiguities create uncertainties  
30 and confusion in interpreting legislative intent; and

31 Whereas, inadvertent omissions of certain provi-  
32 sions of marine resources laws occurred during the  
33 last regular session; and

1           Whereas, it is vitally necessary that these un-  
2           certainties be resolved in order to prevent any in-  
3           justice to the citizens of Maine; and

4           Whereas, in the judgment of the Legislature,  
5           these facts create an emergency within the meaning of  
6           the Constitution of Maine and require the following  
7           legislation as immediately necessary for the preser-  
8           vation of the public peace, health and safety; now,  
9           therefore,

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

12                 Sec. 1. 12 MRSA §6172, sub-§3, as repealed and  
13                 replaced by PL 1983, c. 301, §6, is amended to read:

14                 3. Repeal. The commissioner shall repeal a regu-  
15                 lation closing an area or waters when the marine  
16                 mollusks are no longer contaminated or polluted or  
17                 when the waters meet the sanitary standards set forth  
18                 in any department regulations. The commissioner  
19                 ~~shall~~ may use emergency regulatory procedures to open  
20                 areas or waters that have been closed under emergency  
21                 procedures of this section.

22                 Sec. 2. 12 MRSA §6173, as repealed and replaced  
23                 by PL 1983, c. 9, is amended to read:

24                 §6173. Confidentiality of statistics

25                 The commissioner may, with the advice and consent  
26                 of the advisory council, adopt or amend regulations  
27                 to collect pertinent data with respect to the fisher-  
28                 ies, including, but not limited to, information re-  
29                 garding the type and quantity of fishing gear used,  
30                 catch by species in numbers of fish or weight there-  
31                 of, areas in which fishing was conducted, time of  
32                 fishing, number of hauls and the estimated processing  
33                 capacity of, and the actual processing capacity uti-  
34                 lized by United States fish processors. The commis-  
35                 sioner may collect statistics from any source and may  
36                 require reporting of these statistics. The informa-  
37                 tion collected by or reported to the commissioner  
38                 shall be confidential and shall not be disclosed in a  
39                 manner or form that permits identification of any

1 person or vessel, except when required by court order  
2 or when specifically permitted under this section.  
3 The commissioner may share this data with the National  
4 Marine Fisheries Service for research or fisheries  
5 management purposes, provided that federal laws and  
6 regulations protect the confidentiality of the shared  
7 data. The commissioner shall by regulation prescribe  
8 such procedures as necessary to preserve confidential-  
9 ity.

10 Sec. 3. 12 MRSA §6255, sub-§3, ¶C is enacted to  
11 read:

12 C. Members of Maine's Indian Tribes and Maine  
13 residents under 16 years of age are exempt from  
14 any fee.

15 Sec. 4. 12 MRSA §6255, sub-§12 is enacted to  
16 read:

17 12. Fishing in inland waters. When fishing in  
18 inland waters, the holder of a license authorized un-  
19 der this section shall be subject to all the provi-  
20 sions of chapters 701 to 721.

21 Sec. 5. 12 MRSA §6439, sub-§3, as repealed and  
22 replaced by PL 1981, c. 433, §10, is amended to read:

23 3. Off Hancock County. Within the following ra-  
24 dio direction-finder LORAN C bearings: Beginning at  
25 Schoodic Point, Hancock County; thence running a True  
26 compass course of 159° for approximately ~~17~~ 16 miles  
27 to LORAN C bearing of ~~9960-W-1234.9~~ 9960-W-1234.0 and  
28 9960-X-25693.0; thence running along a True compass  
29 course of ~~236°~~ 234° for approximately ~~11 1/4~~ 11.4  
30 miles, to and through Mt. Desert Rock to LORAN C  
31 bearing of 9960-W-12456.0 and ~~9960-X-25695~~  
32 9960-X-25695.0; thence running in a True compass  
33 course of 336° for approximately ~~4 1/2~~ 4.2 miles to  
34 LORAN C bearing of ~~9960-W-12440~~ 9960-W-1244.0 and  
35 9960-X-25718.0; thence running in a westerly direc-  
36 tion to a point where that line intersects with the  
37 line described in subsection 2, paragraph B, if it is  
38 extended to that line.

39 Sec. 6. 32 MRSA §4159, sub-§1, as amended by PL  
40 1975, c. 44, §2, is repealed.

1 Emergency clause. In view of the emergency cited  
2 in the preamble, this Act shall take effect when ap-  
3 proved.

4 STATEMENT OF FACT

5 Section 1 of this new draft provides that the de-  
6 partment is obliged to call municipal officers only  
7 when an emergency closure of a shellfish area for  
8 public health reasons is necessary. The present man-  
9 date requiring calls to town officers to repeal such  
10 emergency closures is expensive, time-consuming and  
11 frequently unproductive.

12 Section 2 of this new draft makes it possible for  
13 the department to share confidential data with feder-  
14 al fisheries authorities who themselves are autho-  
15 rized under federal confidentiality rules to handle  
16 that data. Strict interpretation of the Maine Re-  
17 vised Statutes, Title 12, section 6173, presently  
18 makes that interchange impossible.

19 Section 3 reenacts a provision of the salmon  
20 fishing laws that was inadvertently repealed during  
21 the 2nd Regular Session of the 111th Legislature.

22 Section 4 clarifies the law concerning Atlantic  
23 salmon fishing in inland waters. This section estab-  
24 lishes that an Atlantic salmon fisherman, licensed by  
25 the Atlantic Sea Run Salmon Commission, is subject to  
26 all the laws and rules of the Department of Inland  
27 Fisheries and Wildlife when fishing in waters under  
28 the jurisdiction of that department.

29 Section 5 corrects LORAN bearings pertaining to  
30 the use of lobster trawls off Hancock County.

31 Section 6 repeals the tolerance for use of  
32 herring between 4 1/2 and 9 inches. Since the law  
33 allowing for the use of herring greater than 9 inches  
34 in length was repealed in 1983, no tolerance is re-  
35 quired.

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