

MAINE STATE LEGISLATURE

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L.D. 1969

(Filing No. H- 553)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1458, L.D. 1969,
Bill, "AN ACT to Provide Protection from Molestation
to Fixed Fishing Gear."

10 Amend the bill by striking out all of the title
11 and inserting in its place the following:

12 'AN ACT to Make Changes in Marine Resources Laws.'

13 Further amend the bill by striking out everything
14 after the enacting clause and inserting in its place
15 the following:

16 'Sec. 1. 12 MRSA §6024, sub-§1, as amended by
17 PL 1985, c. 481, Pt. A, §35, is further amended to
18 read:

19 1. Appointment; composition; term; compensation.
20 The advisory council, established by Title 5, section
21 12004, subsection 10, shall consist of 9 members. One
22 member shall be the chairman of the Lobster Advisory
23 Council, ex officio. Each other member shall be
24 appointed by the Governor and shall be subject to
25 review by the joint standing committee of the
26 Legislature having jurisdiction over marine resources
27 and to confirmation by the Legislature. Eight
28 Seven of the appointed members shall be selected from
29 persons directly engaged in commercial activities or
30 industries based on marine resources, and one of the
31 appointed members shall be selected from persons who
32 represent recreational fishing interests. The

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1 composition of the council shall adequately represent
2 the commercial fisheries' activities over which the
3 department has jurisdiction and shall also reflect a
4 geographical distribution along the coast. All
5 appointed members shall be appointed for a term of 3
6 years, except a vacancy shall be filled in the same
7 manner as an original for the unexpired portion of the
8 term. No member may serve more than 2 consecutive
9 terms at any one time. Members shall serve until their
10 successors are appointed. Members shall be
11 compensated as provided in Title 5, chapter 379.

12 Sec. 2. 12 MRSA §6141, sub-§5, as enacted by PL
13 1985, c. 677, §1, is amended to read:

14 5. Report. The commissioner shall prepare an
15 annual report to the Legislature setting out the
16 accomplishments of the previous year and an updated,
17 5-year research plan for future activities with
18 proposed budget requirements. The report shall be
19 reviewed by the Lobster Advisory Council prior to
20 submission to the Legislature. The report shall be
21 submitted to the joint standing committee of the
22 Legislature having jurisdiction over marine resources
23 on or before ~~January-1st~~ March 15th of each year.

24 Sec. 3. 12 MRSA §6526 is enacted to read:

25 §6526. Molesting equipment

26 1. Prohibition. It is unlawful for any person,
27 except a marine patrol officer, the licensed owner or
28 a person having written permission from the licensed
29 owner, to raise, lift, transfer, possess or in any
30 manner intentionally interfere with any trap, net or
31 other equipment which is :

32 A. Authorized under this chapter and which is set
33 for the taking of fish; or

34 B. Set for the purposes of aquaculture by a
35 person holding a license under this chapter.

36 Sec. 4. 12 MRSA §6741, sub-§4, as enacted by PL
37 1985, c. 586, is amended to read:

38 4. Quahogs raised by means of aquaculture. Any

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1 person may take, possess, ship, transport, buy or sell
2 quahogs that are more than 1/2 inch and less than 2
3 inches if those quahogs were raised by means of
4 aquaculture. The commission may promulgate rules
5 providing for the identification of quahogs raised by
6 means of aquaculture. This subsection is repeated
7 on-September-17-1988-

8 Sec. 5. 12 MRSA §6746, sub-§2, as enacted by PL
9 1987, c. 328, §3, is amended to read:

10 2. Licensed activity. A boat license under this
11 section may be used for dragging for mussels. The
12 license shall also authorize the captain and up to
13 2 crew members aboard the licensed boat when engaged
14 in dragging for mussels to undertake these activities.

15 Sec. 6. Transition. In order to accomplish the
16 purpose of section 1 of this Act, the first vacancy in
17 the advisory council occurring after the effective
18 date of this Act of a member engaged in commercial or
19 industrial activities shall be filled by the chairman
20 of the Lobster Advisory Council.'

21 STATEMENT OF FACT

22 This amendment makes the following changes in
23 marine resources laws.

24 Sections 1 and 6 provide that the chairman of the
25 Lobster Advisory Council shall be a member of the
26 Marine Resources Advisory Council.

27 Section 2 changes the date for the submission of
28 the annual lobster research report from January 1st to
29 March 15th in order to allow coordination with a
30 similar federal report.

31 Section 3 prohibits the molestation of fishing
32 gear.

33 Section 4 repeals the sunset on a provision
34 permitting the taking of quahogs greater than 1/2 inch
35 if they were raised by means of aquaculture.

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1 Section 5 permits crews of more than 2 members to
2 be covered under a mussel boat license.

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Reported by the Committee on Marine Resources
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