

MAINE STATE LEGISLATURE

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(Emergency)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2037

S.P. 780

In Senate, January 13, 1988

Submitted by the Department of Marine Resources pursuant to Joint Rule 24.

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator CAHILL of Sagadahoc.

Cosponsored by Representative RUHLIN of Brewer, Senator ESTES of York, Representative BEGLEY of Waldoboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT to Conserve Striped Bass.

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3 **Emergency preamble.** Whereas, Acts of the
4 Legislature do not become effective until 90 days
5 after adjournment unless enacted as emergencies; and

6 Whereas, the interstate management of Atlantic
7 coast striped bass requires a minimum size limit of 33
8 inches in total length for Chesapeake Bay stock; and

9 Whereas, the State's minimum size of striped bass
10 is 24 inches in fork length as of December 31, 1987;

1 and

2 Whereas, Chesapeake Bay striped bass will migrate
3 into state waters by May 1988; and

4 Whereas, failure to protect Chesapeake Bay striped
5 bass under 33 inches in total length could lead to a
6 federal moratorium on the taking of striped bass in
7 state waters; and

8 Whereas, in the judgment of the Legislature, these
9 facts create an emergency within the meaning of the
10 Constitution of Maine and require the following
11 legislation as immediately necessary for the
12 preservation of the public peace, health and safety;
13 now, therefore,

14 Be it enacted by the People of the State of Maine as
15 follows:

16 Sec. 1. 12 MRSA §6555, as amended by PL 1987,
17 c. 513, §§6 and 7, is repealed and the following
18 enacted in its place:

19 §6555. Striped bass; method of taking

20 It is unlawful to fish for or take striped bass in
21 the waters of the State, except by hook and line.

22 It is unlawful to take or possess striped bass
23 which are less than 33 inches in total length. It is
24 unlawful to possess striped bass unless the fish are
25 whole with head on and are 33 inches or more in total
26 length.

27 Sec. 2. 12 MRSA §6556, as repealed and replaced
28 by PL 1985, c. 596, §§4 and 5, is repealed and the
29 following enacted in its place:

30 §6556. Striped bass; limits; personal use

31 It is unlawful for any person to fish for or take

1 striped bass in the waters of the State, except for
2 personal use.

3 It is unlawful for any person to take or possess
4 more than 2 striped bass each day.

5 **Emergency clause.** In view of the emergency
6 cited in the preamble, this Act shall take effect when
7 approved.

8 STATEMENT OF FACT

9 Atlantic coast populations of striped bass which
10 occur between Maine and North Carolina are jointly
11 managed by the Atlantic coast states through the
12 Atlantic States Marine Fisheries Commission. The
13 commission membership adopted the Interstate Striped
14 Bass Management Plan in October 1981. Declines in
15 Chesapeake Bay striped bass stock since the late
16 1970's have required increasingly restrictive measures
17 to rebuild the spawning stocks and promote recovery of
18 the resource. Amendment #3 to the interstate plan
19 requires that all female striped bass be protected
20 until 95% have a chance to spawn at least once. In
21 order to meet this management objective, a 33-inch
22 total length minimum size is required. The 2-fish
23 daily limit for legally caught fish over 33 inches
24 long will reduce mortality in older fish which also
25 contribute to the spawning population.

26 The Atlantic Striped Bass Conservation Act,
27 initially passed in October 1984 by the United States
28 Congress, was reauthorized in October 1986. This bill
29 allows for the imposition of a federal moratorium on
30 the striped bass harvest in those states which fail to
31 comply with management measures required by the
32 Interstate Striped Bass Management Plan. At the
33 present time, all other states from Maine through
34 North Carolina are in compliance with the interstate
35 plan.

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