

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1089

H.P. 755

House of Representatives, March 13, 1991

Received by the Clerk of the House on March 11, 1991. Referred to the Committee on Fisheries and Wildlife and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

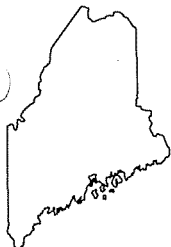
Presented by Representative CASHMAN of Old Town.
Cosponsored by Senator PEARSON of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Authorize the Use of Gill Nets by the Penobscot Nation
Department of Natural Resources Personnel for Scientific Purposes.**

(EMERGENCY)



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

Whereas, this legislation must be enacted as an emergency measure in order that scientific research necessary for the implementation of a fisheries management program for Indian territorial waters may begin; and

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

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

Sec. 1. 12 MRSA §7771, sub-§5 is enacted to read:

5. Penobscot Nation research. The Director of the Department of Natural Resources of the Penobscot Nation has the authority to delegate the usage of gill nets by the department's qualified staff for the purpose of scientific fisheries research and management. The Department of Natural Resources of the Penobscot Nation shall comply with all constraints provided in subsection 4 except for paragraph A, subparagraph (1).

Sec. 2. Sunset. The Joint Standing Committee on Fisheries and Wildlife shall prepare and submit to the Legislature by November 1, 1992, a committee report evaluating the advisability of retaining the statutory provision under the Maine Revised Statutes, Title 12, section 7771, subsection 5.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

The Penobscot Nation's Department of Natural Resources, through its federal funding, is in the process of developing the database necessary to formulate and implement a comprehensive fisheries management program for Indian territorial waters and for monitoring the effectiveness of the program.

One of the most basic and standard tools for fish population assessment and monitoring is the gill net. Current state law restricts usage to employees of the Department of Inland Fisheries and Wildlife.

This bill authorizes the use of gill nets by the Penobscot Nation tribal biologists for the purpose of scientific fisheries research and management.