

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 500

S.P. 171

In Senate, January 28, 1997

An Act to Protect Near-shore Groundfish Spawning Areas.

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HARRIMAN of Cumberland.
Cosponsored by Senator ABROMSON of Cumberland, Representative: HONEY of Boothbay.

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

4 Whereas, certain areas of the State's coastal waters may be
6 spawning areas for cod, haddock and yellowtail flounder; and

8 Whereas, populations of those groundfish species are
severely depleted in the waters of the Gulf of Maine and the
10 Georges Banks; and

12 Whereas, it is in the interest of commercial and
recreational harvesters of marine organisms to conserve and
14 enhance these populations using all reasonable means; and

16 Whereas, the concentration of these species in one location
during spawning makes them particularly vulnerable to harvesting
18 activities during the spawning season; and

20 Whereas, the process of identifying coastal spawning areas
must begin immediately; and

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

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

30 **Sec. 1. 12 MRSA §6572 is enacted to read:**

32 **§6572. Regulation of gear in certain spawning areas**

34 **1. Areas and dates.** No later than January 1, 1998, the
36 commissioner shall adopt rules that identify the location of all
38 coastal waters that serve as spawning areas for cod, haddock or
yellowtail flounder and the dates during which those spawning
40 activities occur in each area.

42 **2. Gear.** Notwithstanding any other provision of this Part,
44 during the dates and in the locations identified by the
commissioner in rules adopted under this section, the only gear
46 that may be used is gear that is identified by rule adopted by
the commissioner as not capable of catching multispecies finfish,
48 which includes, but is not limited to: pelagic hook and line,
pelagic longline, spears, rakes, diving gear, cast nets, tongs,
harpoons, weirs, dipnets, stop nets, pound nets, pelagic

2 gillnets, pots and traps, purse seines, shrimp trawls with a
3 properly configured grate and mid-water trawls.

4 3. Routine technical rules. Rules adopted under this
5 section are routine technical rules pursuant to Title 5, chapter
6 375, subchapter II-A.

8 **Sec. 2. Identification of spawning areas.** In determining the
9 coastal spawning areas for cod, haddock and yellowtail flounder
10 pursuant to the Maine Revised Statutes, Title 12, section 6572,
11 the Commissioner of Marine Resources shall solicit information on
12 the State's historic coastal groundfish spawning areas from
13 persons that participate in, or are otherwise knowledgeable
14 about, commercial and recreational coastal marine fisheries.

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

20 **SUMMARY**

22 This bill requires that the Commissioner of Marine Resources
23 adopt rules by January 1, 1998 that identify the time and
24 location of cod, haddock and yellowtail flounder spawning in
25 coastal waters. The bill then allows only certain types of gear
26 that is not capable of catching multispecies finfish in those
27 spawning areas during the period those species are spawning. The
28 bill requires the commissioner to solicit information from
interested parties in identifying coastal spawning areas.