

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1079

S.P. 378

In Senate, February 9, 1999

An Act to Establish a Framework for Management of Emerging Fisheries.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
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 GOLDTHWAIT of Hancock.
Cosponsored by Representative HONEY of Boothbay and
Representative: VOLENIK of Brooklin.

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

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50
52

Sec. 1. 12 MRSA §6171-B is enacted to read:

§6171-B. Sustainable development of emerging fisheries

1. Commissioner's powers. The commissioner may investigate conditions affecting marine resources and, with the advice and consent of the advisory council, may require an endorsement to participate in an emerging fishery that is determined under subsection 3 to be threatened. The commissioner shall act to ensure that emerging fisheries do not develop at a rate that is not sustainable on a long-term basis.

2. Emerging fishery: defined. For purposes of this section, "emerging fishery" means the fishing for any marine organism, except shrimp, herring and groundfish species, that is not currently subject to a species-specific state commercial fishing license or permit.

3. Determination of threat. The commissioner may determine that a marine organism is threatened based on evidence of an increase in harvesting pressure. The commissioner may be petitioned by harvesters involved in the emerging fishery for a determination of threat.

4. Endorsement. Endorsements may be granted under a commercial fishing license to control the number of individuals engaged in commercial harvesting in an emerging fishery. The department shall adopt rules for establishing the qualification criteria for an endorsement for each species. The commissioner may require the collection and timely reporting of any biological or environmental data as a condition of the endorsement. The commissioner's authority to limit the number of endorsements for a specific species is limited to a period of 3 years from the date of the issuance of the first endorsement, renewable for one 3-year extension.

5. Rule-making authority. The department may adopt rules authorized under this section to establish eligibility for endorsement, reporting requirements and the number of endorsements issued. Rules for each emerging fishery authorized by this section must be adopted and amended in accordance with the procedures outlined in subchapter II. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

6. Incidental harvest. A vessel not holding an endorsement for a species in an emerging fishery is prohibited from the landing or sale of that species. To accommodate incidental harvest, possession at sea of that species is not prohibited. Possession of that species for personal use is not prohibited.

