

MAINE STATE LEGISLATURE

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L.D. 502

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MARINE RESOURCES

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STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 158, L.D. 502, Bill, "An Act to Create the Right to Fish"

Amend the bill by striking out the title and substituting the following:

'An Act to Limit Nuisance Claims Against Commercial Fishing Operations and Activities'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 17 MRSA §2807 is enacted to read:

§2807. Commercial fishing activities and commercial fishing operations

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commercial fishing activity" means an activity directly related to commercial fishing or a commercial activity commonly associated with or supportive of commercial fishing, such as the manufacture or sale of ice, bait, traps or nets or the manufacture, installation or repair of boats, engines or other equipment commonly used on boats or in facilities that involve the catching, transporting, buying, selling or processing of seafood for commercial purposes.

COMMITTEE AMENDMENT

2 B. "Commercial fishing operation" means a condition or
3 activity that occurs in connection with the commercial
4 harvesting, purchasing, selling or processing of seafood and
5 includes noise, odors, operation of a vessel, operation of
6 harvesting or processing equipment and transfer or storage
7 of bait.

8 2. Private nuisance actions limited. A private nuisance
9 action may not be maintained against a person engaged in a
10 commercial fishing activity or commercial fishing operation so
11 long as the activity or operation is undertaken in compliance
12 with applicable licensing and permitting requirements and other
13 applicable statutes, rules and ordinances.

14 3. Finfish aquaculture exemption. For purposes of this
15 section, activities and conditions associated with licensed
16 finfish aquaculture are not commercial fishing activities or
17 commercial fishing operations.'
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19 Further amend the bill by inserting at the end before the
20 summary the following:

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23 **FISCAL NOTE**

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25 This bill may decrease the number of civil suits filed in
26 the court system. The Judicial Department may realize some minor
27 savings from reductions of workload and administrative costs
28 associated with the minimal number of cases that will no longer
29 be filed. Reductions in the collection of filing fees may
30 decrease General Fund revenue by minor amounts.'

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33 **SUMMARY**

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35 This amendment replaces the original bill. It defines
36 "commercial fishing activity" and "commercial fishing operation"
37 and it limits private nuisance actions against those activities
38 and operations that are undertaken in compliance with licensing
39 and permitting requirements and other applicable laws. It
40 excludes finfish aquaculture activities from this protection. It
41 also adds a fiscal note to the bill.
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