

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 822

H.P. 622

House of Representatives, February 15, 2001

**An Act to Protect the Rights of Maine Citizens and Industries from
Influences Outside of Maine.**

(EMERGENCY)

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative GOODWIN of Pembroke.
Cosponsored by Representative CLARK of Millinocket.

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

Whereas, the United States Fish and Wildlife Service within the Department of the Interior has listed the Atlantic salmon as an endangered species; and

Whereas, the Governor and other officials of the State have opposed such a listing as not justified by scientific research; and

Whereas, the State Government is better qualified than the Federal Government to make determinations about the current and future health of natural resources within its borders; 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. 1 MRSA §30 is enacted to read:

§30. Rights of citizens and industries protected against federal administrative actions

Notwithstanding any other provision of law, the State reserves the right to make its own determinations regarding the regulation of the natural resources existing within its borders and of the industries engaged in the harvesting, processing or other uses of those natural resources that operate within the State. This section specifically applies to any regulatory determination by the State that may directly contradict an administrative action taken by any agent, agency or person acting under the authority or direction of the United States.

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

SUMMARY

This bill proposes to protect the State's right to reject any regulatory decision by the Federal Government relating to natural resources existing within state borders in favor of any regulatory decision relating to natural resources that is made by State Government.