

MAINE STATE LEGISLATURE

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M
Date

L.D. 527

DATE: 5.9.05

(Filing No. S-148)

MARINE RESOURCES

Reported by:

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 153, L.D. 527, Bill, "An Act To Authorize the Commissioner of Marine Resources To Regulate the Use of Alternative Bait in Marine Fisheries"

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

'An Act To Regulate the Use of Alternative Bait in Marine Fisheries'

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

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

Whereas, the unregulated use of animal hides and other remains as lobster bait poses significant and immediate risks to public health, lobster health and the Maine lobster industry; 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 §6175 is enacted to read:

COMMITTEE AMENDMENT

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2 **§6175. Alternative bait**

4 The commissioner may adopt rules to regulate the use of
6 alternative bait in marine fisheries. For the purposes of this
8 section, "alternative bait" means any bait that does not
10 naturally originate from the ocean. Rules adopted pursuant to
12 this section must be adopted in accordance with the procedures in
14 subchapter 2 and are routine technical rules as defined in Title
16 5, chapter 375, subchapter 2-A.

12 **Sec. 2. 12 MRSA §6432-A** is enacted to read:

14 **§6432-A. Bait**

16 1. Offal prohibited. A person may not use offal as bait to
18 fish for or take lobster or crabs. For the purposes of this
20 section, "offal" means the carcass, waste parts, renderings or
22 remains of a wild or domesticated animal that is not a marine
24 organism, but does not include animal hide from which the hair
26 has been removed.

24 2. Prima facie evidence. The possession of offal while
26 fishing for or taking lobster or crabs is prima facie evidence of
28 a violation of this section.

28 **Sec. 3. Effective date.** That section of this Act that enacts
30 the Maine Revised Statutes, Title 12, section 6432-A takes effect
32 January 1, 2006.

32 **Emergency clause.** In view of the emergency cited in the
34 preamble, this Act takes effect when approved, except as
36 otherwise indicated.'

36 **SUMMARY**

38 This amendment replaces the bill. The amendment retains the
40 provision of the bill that authorizes the Commissioner of Marine
42 Resources to adopt rules to regulate the use of alternative bait
44 and adds language to define alternative bait. The amendment adds
an emergency preamble making the rule-making authority effective
upon enactment. The amendment also adds a provision of law that
prohibits the use of offal as bait for lobster or crabs, with
offal defined as the carcass, waste parts, renderings or remains

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of a wild or domestic animal that is not a marine organism,
except for animal hide from which the hair has been removed.
This prohibition takes effect January 1, 2006.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 04/25/05 *MAC*

122nd MAINE LEGISLATURE

LD 527

LR 1988(02)

**An Act To Authorize the Commissioner of Marine Resources To Regulate the Use of Alternative Bait
in Marine Fisheries**

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund