

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1609

H.P. 1218

House of Representatives, December 20, 2011

An Act To Ensure the Safety of Bait Used in Maine's Fishery

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Received by the Clerk of the House on December 16, 2011. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative PARRY of Arundel.

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

2 **Sec. 1. 12 MRSA §6432-A, sub-§2**, as enacted by PL 2005, c. 203, §2 and
3 affected by §3, is amended to read:

4 **2. Prima facie evidence.** The possession of offal or a marine organism prohibited
5 pursuant to subsection 4 while fishing for or taking lobster or crabs is prima facie
6 evidence of a violation of this section.

7 **Sec. 2. 12 MRSA §6432-A, sub-§§3 to 5** are enacted to read:

8 **3. Exception for freshwater organisms.** Notwithstanding subsection 1, a person
9 may use a freshwater organism as bait to fish for or take lobster or crabs if that freshwater
10 organism and the location from which that freshwater organism has been harvested have
11 been identified as acceptable on a list maintained by the commissioner pursuant to
12 subsection 5.

13 **4. Use of marine organism as bait.** The commissioner may prohibit the use of
14 marine organisms as bait to fish for or take lobster or crabs. A marine organism
15 prohibited pursuant to this subsection and the location from which that marine organism
16 is harvested must be identified on a list maintained by the commissioner pursuant to
17 subsection 5.

18 **5. Lists of freshwater organisms acceptable as bait and prohibited marine**
19 **organisms.** The commissioner may maintain a list of freshwater organisms that are
20 acceptable as bait to fish for or take lobster or crabs, including the location from which
21 those freshwater organisms are harvested. The commissioner may maintain a list of
22 marine organisms that are prohibited as bait to fish for or take lobster or crabs, including
23 the location from which those marine organisms are harvested. The commissioner may
24 adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A that
25 contain the criteria for inclusion on the lists.

26 **SUMMARY**

27 Current law prohibits the use of offal as bait to fish for or take lobster or crabs. Offal
28 does not include marine organisms. This bill allows the Commissioner of Marine
29 Resources to maintain a list of exempt freshwater organisms and prohibited marine
30 organisms. Any exemption or prohibition must list the freshwater organism or marine
31 organism and the location from which that organism is harvested.