

MAINE STATE LEGISLATURE

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5/19/19
R.O.S.

L.D. 618

Date: 4/19/19

(Filing No. H-115)

Majority
MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 446, L.D. 618, Bill, "An Act To Remove Nighttime Restrictions on Lobster Fishing in a Certain Area in the Bay of Fundy"

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

'Resolve, To Temporarily Remove Nighttime Restrictions on Lobster Fishing in a Certain Area in the Bay of Fundy'

Amend the bill by striking out everything after the title and inserting the following:

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

Whereas, the current legal times for raising and hauling lobster traps are determined based upon sunrise and sunset; and

Whereas, the area described in this resolve is fished by Canadians, for whom commercial fishing is not subject to the same restrictions on the raising or hauling of lobster traps; and

Whereas, it is necessary that this resolve take effect by September 1, 2019 in order to take advantage of the fall harvest and in order to allow lobster license holders to fish efficiently and safely and on equal footing with other persons who fish commercially in the area; 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

Sec. 1. One-time exception. Resolved: That, notwithstanding the Maine Revised Statutes, Title 12, section 6440, subsection 1, the Commissioner of Marine Resources shall permit a person to raise or haul any lobster trap from September 1, 2019 through October 31, 2019 during any time of the day in an area in the Bay of Fundy

COMMITTEE AMENDMENT

1 referred to as the "gray zone" that encompasses approximately 210 square miles around
2 Machias Seal Island where there are overlapping claims of sovereignty by the United
3 States and Canada, if that person is authorized to fish in the lobster management zone in
4 which the area described in this section is located. The commissioner shall adopt rules to
5 define this area to ensure the boundaries of this area are clearly delineated. Rules adopted
6 pursuant to this section regarding the boundaries of the area are routine technical rules as
7 defined in Title 5, chapter 375, subchapter 2-A.

8 **Sec. 2. Report. Resolved:** That, by February 1, 2020, the Commissioner of
9 Marine Resources shall submit a report to the Joint Standing Committee on Marine
10 Resources describing the results associated with allowing lobster fishing in accordance
11 with section 1. The commissioner may make recommendations to the committee
12 regarding the continuation of this limited allowance. The committee may report out a bill
13 based on the report to the Second Regular Session of the 129th Legislature.

14 **Emergency clause.** In view of the emergency cited in the preamble, this
15 legislation takes effect when approved.'

16 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
17 section number to read consecutively.

18 **SUMMARY**

19 This amendment replaces the bill with a resolve. It requires the Commissioner of
20 Marine Resources to allow a person who holds a lobster and crab fishing license to raise
21 and haul lobster traps during any time of the day from September 1, 2019 through
22 October 31, 2019 in an area in the Bay of Fundy referred to as the "gray zone" that
23 encompasses approximately 210 square miles around Machias Seal Island where there are
24 overlapping claims of sovereignty by the United States and Canada, if that person is
25 authorized to fish in that area. It also directs the commissioner to define this area in rule
26 to ensure the boundaries of this area are clearly delineated. Lastly, it requires that the
27 commissioner submit a report to the Joint Standing Committee on Marine Resources by
28 February 1, 2020 and gives the committee the authority to report out a bill based on the
29 report.

30 **FISCAL NOTE REQUIRED**

31 (See attached)



129th MAINE LEGISLATURE

LD 618

LR 747(02)

An Act To Remove Nighttime Restrictions on Lobster Fishing in a Certain Area in the Bay of Fundy

Fiscal Note for Bill as Amended by Committee Amendment *A(H-115)*
Committee: Marine Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

This bill would allow lobster and crab fishing licensees who are authorized to fish in a specific area of the Bay of Fundy that is subject to overlapping claims of sovereignty between the United States and Canada to commercially fish at any time of day between September 1, 2019, and October 31, 2019. The bill also requires the Department of Marine Resources (DMR) to define the boundaries of the specific area subject to overlapping sovereignty and to report back on the outcome of the temporary commercial fishing allowance. Any additional costs to the DMR as a result of this legislation are anticipated to be minor and can be absorbed within existing budgeted resources.