MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1298

H.P. 941

House of Representatives, March 19, 2019

An Act To Enhance Fish and Wildlife Laws

(EMERGENCY)

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

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative MARTIN of Sinclair. (GOVERNOR'S BILL) Cosponsored by President JACKSON of Aroostook and

Representative: MARTIN of Eagle Lake.

1 2	Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
3 4 5	Whereas, the open-water fishing season is scheduled to begin April 1, 2019 and the Department of Inland Fisheries and Wildlife intends to conduct emergency rulemaking this year regarding that date; and
6 7 8 9	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,
10	Be it enacted by the People of the State of Maine as follows:
11 12	Sec. 1. 12 MRSA §12456, sub-§2, ¶E, as enacted by PL 2013, c. 3, §2, is amended to read:
13 14 15 16 17	E. In accordance with section 10104, the commissioner may change the established opening date of an open open-water recreational fishing season and may change the established closing date of a recreational ice-fishing season if, in the commissioner's opinion, the change is necessary warranted due to earlier-than-normal seasonal temperature changes or weather conditions.
18 19	Sec. 2. 12 MRSA §12456, sub-§3, as enacted by PL 2003, c. 655, Pt. B, §244 and affected by §422, is amended to read:
20 21 22	3. Rules. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A and may be adopted by emergency rulemaking pursuant to Title 5, section 8054.
23 24	Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.
25	SUMMARY
26 27 28 29	This bill provides the Commissioner of Inland Fisheries and Wildlife the authority to change the closing date of the recreational ice-fishing season by rule. It also amends the rule-making provision of the law governing open seasons for fishing to explicitly provide for adoption of emergency rules.