

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1898

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H.P. 1405

House of Representatives, January 5, 2022

**An Act To Address the Economic Impact of Federal Closures on  
Maine's Fixed Gear Fishing Industry**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative STOVER of Boothbay.  
Cosponsored by Senator MAXMIN of Lincoln and  
Representatives: CRAFTS of Newcastle, DODGE of Belfast, HEPLER of Woolwich,  
MATLACK of St. George, McDONALD of Stonington, PEBWORTH of Blue Hill, Senator:  
MOORE of Washington.

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

3           **Whereas,** the United States Department of Commerce, National Oceanic and  
4 Atmospheric Administration recently adopted federal regulations implementing portions  
5 of the Atlantic Large Whale Take Reduction Plan; and

6           **Whereas,** the immediate impact of these regulations is the closure to lobster fishing  
7 of approximately 1,000 square miles of federal waters off the coast of Maine from October  
8 to January, starting in October 2021; and

9           **Whereas,** the long-term impact of these regulations challenges the viability of Maine's  
10 fixed gear fishing industry; and

11           **Whereas,** the recent stay of these regulations by a United States District Court is likely  
12 a temporary reprieve from the negative impacts of these regulations on Maine's fixed gear  
13 fishing industry; and

14           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
15 the meaning of the Constitution of Maine and require the following legislation as  
16 immediately necessary for the preservation of the public peace, health and safety; now,  
17 therefore,

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

19           **Sec. 1. 12 MRSA §6043** is enacted to read:

20 **§6043. Atlantic Large Whale Take Reduction Plan Impact Fund**

21           **1. Fund established.** The Atlantic Large Whale Take Reduction Plan Impact Fund,  
22 referred to in this section as “the Reduction Plan Impact Fund,” is established as a  
23 nonlapsing fund within the department to mitigate negative financial impacts experienced  
24 by individuals and businesses involved in the State’s fixed gear fishing industry resulting  
25 from the amendment of 50 Code of Federal Regulations, Sections 229.2, 229.32 and 697.21  
26 published in 86 Federal Register, 52011 to 52024 (2021).

27           **2. Rulemaking.** The department shall establish by rule the eligibility criteria for  
28 individuals and businesses to apply for and receive funds under the Reduction Plan Impact  
29 Fund. Rules adopted pursuant to this subsection are routine technical rules as defined in  
30 Title 5, chapter 375, subchapter 2-A.

31           **Sec. 2. Report.** The Department of Marine Resources shall report on the status of  
32 the Atlantic Large Whale Take Reduction Plan Impact Fund, established in the Maine  
33 Revised Statutes, Title 12, section 6043, subsection 1, by January 15, 2023 to the joint  
34 standing committee of the Legislature having jurisdiction over marine resources matters.  
35 The report must include the amount of funds distributed to each recipient, whether  
36 individual or business, the number of recipients and the results achieved or negative impact  
37 mitigated. The joint standing committee may report out a bill based on the report to the  
38 131st Legislature.

39           **Sec. 3. Transfer.** Notwithstanding any provision of law to the contrary, on or before  
40 June 30, 2022, the State Controller shall transfer \$3,000,000 from the unappropriated  
41 surplus of the General Fund to the Department of Marine Resources, Atlantic Large Whale  
42 Take Reduction Plan Impact Fund program, Other Special Revenue Funds account.

1           **Sec. 4. Appropriations and allocations.** The following appropriations and  
 2 allocations are made.

3           **MARINE RESOURCES, DEPARTMENT OF**

4           **Atlantic Large Whale Take Reduction Plan Impact Fund N944**

5           Initiative: Provides ongoing allocations for grants to individuals and businesses involved  
 6 in the State's fixed gear fishing industry to mitigate negative financial impacts experienced  
 7 as a result of the United States Department of Commerce, National Oceanic Atmospheric  
 8 Administration regulations resulting from the Atlantic Large Whale Take Reduction Plan.  
 9 The department may not use more than 1% of the funds for administrative costs.

10 <b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
11           All Other	\$2,999,500	\$500
12		
13           OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$2,999,500</u>	<u>\$500</u>

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

16   **SUMMARY**

17           This bill establishes the Atlantic Large Whale Take Reduction Plan Impact Fund,  
 18 administered by the Department of Marine Resources, to mitigate negative financial  
 19 impacts incurred by individuals and businesses engaged in Maine's fixed gear fishing  
 20 industry. The department is required to establish by rule the eligibility criteria and  
 21 application process for individuals and businesses. The department is required to report  
 22 concerning the activity of the fund to the joint standing committee of the Legislature having  
 23 jurisdiction over marine resources matters by January 15, 2023. The committee has the  
 24 authority to report out a bill based on the report.