

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

CHAPTER 600

AN ACT to Create the Maine Fishing Gear Damage Fund.

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

Sec. 1. 12 MRSA § 3706 is enacted to read:

§ 3706. Maine Fishing Gear Damage Fund

1. Findings and purpose. The Legislature finds that fishing gear and equipment owned by Maine residents whose fishing vessels are registered in Maine or documented by the United States Coast Guard are being damaged and lost by actions of fishing vessels of foreign registry and that Maine residents frequently are unable to recover by individual action from such foreign fishing vessel owners the costs of repairing or replacing damaged and lost gear and equipment.

The Legislature further finds that Maine's fishing fleet is gravely threatened by such continued losses and that in order to preserve the economic benefits of the commercial fisheries to the State and its people, the Legislature intends through the enactment of this legislation to provide a procedure whereby Maine fishing vessel owners suffering such damage can be promptly compensated. To carry out the purpose stated herein, the Commissioner of Marine Resources shall establish a fund called the "Maine Fishing Gear Damage Fund".

2. Procedure for application for compensation. Any Maine fishing vessel owner claiming to have suffered damages to gear or equipment as a result of direct or indirect acts of a foreign fishing vessel shall make application for compensation within 30 days of such damage to the commissioner on a form provided by the commissioner. Such application form shall include provisions whereby the applicant certifies that the gear had been properly marked in accordance with international regulation on marking fishing gear for navigational purposes, the value of the gear and equipment losses and the circumstances of the loss with sufficient information and evidence so that the commissioner can investigate the claim.

Within 30 days of receipt of the application, the commissioner shall certify the amount of the claim and the name of the claimant to the Treasurer of State, who shall pay the same to compensate the owner of the fishing vessel for the amount of damage claimed, not to exceed \$2,000. Damages omitted from any claim for which compensation is awarded shall be deemed waived.

3. Investigation. Within 60 days of receipt of an application, the commissioner shall verify the facts certified in the application. If the commissioner finds that the application and claim may contain false information and statements, he shall forward the application and claim and the results of his investigation to the Attorney General. A person convicted of having submitted an application and claim containing false information and statements shall be guilty of a felony.

4. Use of compensation. The compensation received from the fund shall be applied to repairing and replacing damaged gear. Any Maine fishing vessel owner successfully recovering compensation from a foreign fishing vessel owner for damaged gear and equipment shall reimburse the fund for the

amount awarded to him by it. Notice shall be given to the commissioner of claims made against any foreign fishing vessel owner, the amount of the claim and the disposition of the claim, including the amount of settlement, if any.

5. State recovery for claims. The Department of Marine Resources is subrogated to the rights of the Maine fishing vessel owner and has a claim for relief or cause of action against the foreign fishing vessel, separate from that of the claimant to the extent that he has been compensated by the fund, to the extent that such claims are recoverable under state, federal or international law. Any recovery made shall be paid to the fund.

6. Designation. The commissioner is authorized to designate persons within the department who shall carry out the duties of this section.

7. Regulations. The commissioner, after a public hearing, preceded by adequate notice to the public, may adopt any rules or regulations necessary to carry out the duties of this section. The commissioner shall furnish a reasonable number of copies of these rules or regulations to members of the public upon request.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Department of Marine Resources the sum of \$25,000 to carry out the purposes of this Act. It is the intent of this Act that the Legislature shall make annual appropriations necessary to maintain this fund at \$25,000. All appropriations by the Legislature shall not lapse, but shall be carried forward and expended for the purpose of this fund. The breakdown shall be as follows:

1975-76

MARINE RESOURCES, DEPARTMENT OF

Maine Fishing Gear Damage Fund \$25,000

Sec. 3. Intent. It is the intent of this Act that the commissioner shall only compensate claims arising on or after the effective date of this Act.

Effective October 1, 1975

CHAPTER 601

AN ACT Creating the Post-secondary Education Commission of Maine.

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

Sec. 1. 20 MRSA c. 4 is enacted to read:

CHAPTER 4

POST-SECONDARY EDUCATION COMMISSION OF MAINE

§ 71. Establishment

There is created and established a state agency to be called the Post-secondary Education Commission of Maine, heretofore and hereafter in this