

126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 601

H.P. 420

House of Representatives, February 21, 2013

An Act To Require That Certain Changes in Conservation Law Not Be Made by Rule

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

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND Clerk

Presented by Representative SHAW of Standish. Cosponsored by Senator SAVIELLO of Franklin and Representatives: BLACK of Wilton, DAVIS of Sangerville, FREDETTE of Newport, SAUCIER of Presque Isle, THERIAULT of Madawaska, TIMBERLAKE of Turner, TYLER of Windham, WOOD of Sabattus.

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

Sec. 1. 12 MRSA §10104, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

4 1. Rules. The commissioner may, with the advice and consent of the advisory council and in conformity with Title 5, Part 18, and except as otherwise provided, adopt, 5 amend and repeal reasonable rules, including emergency rules, necessary for the proper 6 administration, implementation, enforcement and interpretation of any provision of law 7 that the commissioner is charged with the duty of administering, except that the 8 9 commissioner may not adopt or amend a rule that affects or changes the public use of a 10 fishery or body of water. These rules duly adopted have the full force and effect of law and are effective upon filing with the Secretary of State, unless a later date is required by 11 statute or specified in the rule. 12

SUMMARY

13

14 This bill provides that the Commissioner of Inland and Fisheries and Wildlife may 15 not adopt or amend a rule that affects or changes the public use of a fishery or body of 16 water.