



131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2275

S.P. 991

In Senate, March 21, 2024

**An Act to Ensure That Rules Regarding the Atlantic States Marine
Fisheries Commission Are Major Substantive Rules**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by President JACKSON of Aroostook.

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

2 **Sec. 1. 12 MRSA §6191, sub-§3** is enacted to read:

3 **3. Rules related to the Atlantic States Marine Fisheries Commission.**
4 Notwithstanding any provision of law to the contrary, rules adopted by the department to
5 implement decisions of the Atlantic States Marine Fisheries Commission are major
6 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

7 **Sec. 2. 12 MRSA §6431, sub-§1-B**, as enacted by PL 2021, c. 512, §2, is amended
8 to read:

9 **1-B. Compliance with interstate fishery management plan.** The commissioner may
10 adopt rules to set minimum and maximum lobster sizes different from those specified in
11 subsection 1 when necessary to comply with changes to the Atlantic States Marine
12 Fisheries Commission Interstate Fishery Management Plan for American Lobster. Rules
13 adopted pursuant to this subsection are ~~routine technical~~ major substantive rules as defined
14 in Title 5, chapter 375, subchapter 2-A. The commissioner shall notify the joint standing
15 committee of the Legislature having jurisdiction over marine resources matters when
16 initiating rulemaking pursuant to this subsection.

17 **Sec. 3. 12 MRSA §6433, sub-§1-A**, as amended by PL 2021, c. 512, §3, is further
18 amended to read:

19 **1-A. Adjustment.** Notwithstanding subsection 1, the commissioner shall specify by
20 rule the dimensions of vents in lobster traps, which must be appropriate for the minimum
21 legal lobster size in effect pursuant to section 6431. The commissioner may adopt rules to
22 set different dimensions of vents in lobster traps when necessary to comply with changes
23 to the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan
24 for American Lobster. Rules adopted pursuant to this subsection are routine technical rules
25 as defined in Title 5, chapter 375, subchapter 2-A, except that rules to comply with changes
26 to the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan
27 for American Lobster are major substantive rules as defined in Title 5, chapter 375,
28 subchapter 2-A. The commissioner shall notify the joint standing committee of the
29 Legislature having jurisdiction over marine resources matters when initiating rulemaking
30 pursuant to this subsection.

31 **Sec. 4. 12 MRSA §6505-A, sub-§3-A**, as amended by PL 2015, c. 131, §1 and PL
32 2023, c. 369, Pt. A, §4 and affected by §5, is further amended by amending the last blocked
33 paragraph to read:

34 Rules adopted pursuant to this subsection are ~~routine technical~~ major substantive rules as
35 defined in Title 5, chapter 375, subchapter 2-A.

36 **Sec. 5. 12 MRSA §6804, sub-§2-A**, as enacted by PL 2017, c. 346, §2, is amended
37 to read:

38 **2-A. Licenses limited.** The commissioner may establish by rule a system to limit the
39 number of commercial northern shrimp licenses issued under this section when the total
40 allowable catch for northern shrimp established for Maine by the Atlantic States Marine
41 Fisheries Commission is less than 2,000 metric tons. Rules adopted pursuant to this
42 subsection are ~~routine technical~~ major substantive rules as defined in Title 5, chapter 375,
43 subchapter 2-A.

1 Prior to initiating rulemaking, the commissioner shall consult with members of the northern
2 shrimp industry, including individuals who are eligible to obtain a license that allows
3 fishing for or taking northern shrimp and holders of a license or permit issued under chapter
4 625 that allows wholesale or retail activity involving northern shrimp.

5 The commissioner shall provide a report regarding management of the northern shrimp
6 resource and the northern shrimp fishing industry to the joint standing committee of the
7 Legislature having jurisdiction over marine resources matters by January 15th of the year
8 following a year in which the commissioner limited the number of licenses issued under
9 this section. The joint standing committee may report out legislation to the session of the
10 Legislature in which the report was received regarding management of the northern shrimp
11 resource or the northern shrimp fishing industry.

12 **SUMMARY**

13 This bill provides that all rules adopted by the Department of Marine Resources to
14 implement decisions of the Atlantic States Marine Fisheries Commission are major
15 substantive rules.