

Date:

(Filing No. H- )

## MARINE RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

### STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 828, L.D. 1253, “An Act to Authorize the Commissioner of Marine Resources to Add Limited-access Area Fishing Days During the Scallop Season”

Amend the bill by striking out all of the emergency preamble.

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 12 MRSA §6171, sub-§3,** as corrected by RR 2021, c. 2, Pt. B, §35, is amended to read:

**3. Emergency rules.** The commissioner may adopt or amend rules under the emergency procedures provided in Title 5, chapter 375 in the following circumstances:

A. Immediate action is necessary to protect or conserve any marine organism from unusual damage or imminent depletion;

B. An unusually large concentration of persons who fish might deplete the supply of any marine organism;

C. Immediate action is necessary to comply with changes to federal or interstate fisheries management plans; ~~or~~

D. Immediate action is necessary pursuant to section 6302-B, subsection 4 to prohibit elver fishing; or

E. Immediate action is necessary to add up to a total of 5 limited-access area days during the scallop season under section 6722 if the commissioner determines that additional days are necessary to counteract the inability to fish for or take scallops on certain days due to inclement weather and that the scallop population is sufficient to allow additional fishing for or taking of scallops in those limited-access areas.'

Amend the bill by striking out all of the emergency clause.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment replaces the bill and removes the emergency preamble and emergency clause. The amendment allows the Commissioner of Marine Resources to extend the scallop fishing season by up to a total of 5 limited-access area days during the scallop season through emergency rulemaking if the commissioner determines that additional days are necessary to counteract the inability to fish for scallops on certain days due to inclement weather and that the scallop population is sufficient to allow additional scallop fishing in those areas.

**FISCAL NOTE REQUIRED**

**(See attached)**