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An Act To Ensure the Safety of Bait Used in Maine's Fishery

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

Sec. 1. 12 MRSA §6432-A, sub-§2, as enacted by PL 2005, c. 203, §2 and affected by §3, is amended to read:

2. Prima facie evidence. The possession of offal or a marine organism prohibited pursuant to subsection 4 while fishing for or taking lobster or crabs is prima facie evidence of a violation of this section.

Sec. 2. 12 MRSA §6432-A, sub-§§3 to 5 are enacted to read:

3. Exception for freshwater organisms. Notwithstanding subsection 1, a person may use a freshwater organism as bait to fish for or take lobster or crabs if that freshwater organism and the location from which that freshwater organism has been harvested have been identified as acceptable on a list maintained by the commissioner pursuant to subsection 5.

4. Use of marine organism as bait. The commissioner may prohibit the use of marine organisms as bait to fish for or take lobster or crabs. A marine organism prohibited pursuant to this subsection and the location from which that marine organism is harvested must be identified on a list maintained by the commissioner pursuant to subsection 5.

5. Lists of freshwater organisms acceptable as bait and prohibited marine organisms. The commissioner may maintain a list of freshwater organisms that are acceptable as bait to fish for or take lobster or crabs, including the location from which those freshwater organisms are harvested. The commissioner may maintain a list of marine organisms that are prohibited as bait to fish for or take lobster or crabs, including the location from which those marine organisms are harvested. The commissioner may adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A that contain the criteria for inclusion on the lists.

SUMMARY

Current law prohibits the use of offal as bait to fish for or take lobster or crabs. Offal does not include marine organisms. This bill allows the Commissioner of Marine Resources to maintain a list of exempt freshwater organisms and prohibited marine organisms. Any exemption or prohibition must list the freshwater organism or marine organism and the location from which that organism is harvested.