

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 446 - L.D. 618

**Resolve, To Temporarily Remove Nighttime Restrictions on Lobster Fishing
in a Certain Area in the Bay of Fundy**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the current legal times for raising and hauling lobster traps are determined based upon sunrise and sunset; and

Whereas, the area described in this resolve is fished by Canadians, for whom commercial fishing is not subject to the same restrictions on the raising or hauling of lobster traps; and

Whereas, it is necessary that this resolve take effect by September 1, 2019 in order to take advantage of the fall harvest and in order to allow lobster license holders to fish efficiently and safely and on equal footing with other persons who fish commercially in the area; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. One-time exception. Resolved: That, notwithstanding the Maine Revised Statutes, Title 12, section 6440, subsection 1, the Commissioner of Marine Resources shall permit a person to raise or haul any lobster trap from September 1, 2019 through October 31, 2019 during any time of the day in an area in the Bay of Fundy referred to as the "gray zone" that encompasses approximately 210 square miles around Machias Seal Island where there are overlapping claims of sovereignty by the United States and Canada, if that person is authorized to fish in the lobster management zone in which the area described in this section is located. The commissioner shall adopt rules to define this area to ensure the boundaries of this area are clearly delineated. Rules adopted pursuant to this section regarding the boundaries of the area are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Report. Resolved: That, by February 1, 2020, the Commissioner of Marine Resources shall submit a report to the Joint Standing Committee on Marine Resources describing the results associated with allowing lobster fishing in accordance with section 1. The commissioner may make recommendations to the committee regarding the continuation of this limited allowance. The committee may report out a bill based on the report to the Second Regular Session of the 129th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.