

§6171. Conservation and propagation of marine organisms

1. Commissioner's powers. The commissioner may investigate conditions affecting marine resources and, with the advice and consent of the advisory council, may adopt or amend such rules as the commissioner considers necessary to promote the conservation and propagation of marine organisms.

[RR 2021, c. 2, Pt. B, §34 (COR).]

2. Limitations. A regulation authorized under this section may only limit the taking of marine organisms by one or more of the following:

- A. Time; [PL 1977, c. 661, §5 (NEW).]
- B. Method; [PL 1977, c. 661, §5 (NEW).]
- C. Number; [PL 1977, c. 661, §5 (NEW).]
- D. Weight; [PL 1977, c. 661, §5 (NEW).]
- E. Length; or [PL 1977, c. 661, §5 (NEW).]
- F. Location. [PL 1977, c. 661, §5 (NEW).]

[PL 1985, c. 703, §1 (AMD).]

2-A. Management plans. The commissioner may adopt a management plan or other policy on the conservation or regulation of marine organisms only after prior notice and public hearing and with the advice and consent of the Marine Resources Advisory Council under section 6024.

A. A management plan is a guidance document, which must seek to:

- (1) Establish management goals and a long-term vision for the relevant fishery;
- (2) Ensure the long-term viability of the resource and the relevant fishery;
- (3) Provide for the rebuilding of any depleted fisheries;
- (4) Provide for future opportunities and access to the relevant fishery;
- (5) Provide the greatest overall benefit to the State, including biological, economic and social considerations; and
- (6) Preserve the legacy of the seafood industry in the State and its benefits to the people of the State. [PL 2013, c. 287, §1 (NEW).]

B. A management plan must include, to the degree possible:

- (1) Clearly articulated management goals and objectives;
- (2) A description of the biology of the relevant species;
- (3) A description of the relevant fishery;
- (4) Any available information regarding stock status;
- (5) Current management measures;
- (6) Any recommendations to achieve goals and objectives;
- (7) Findings of current research and future research needs; and
- (8) An ecosystem-based characterization of each species under consideration. [PL 2013, c. 287, §1 (NEW).]

C. A management plan must be developed with advice and input from the advisory council for the species for which the plan is developed, if such an advisory council exists. [PL 2013, c. 287, §1 (NEW).]

[PL 2013, c. 287, §1 (RPR).]

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; [PL 2015, c. 80, §1 (NEW).]

B. An unusually large concentration of persons who fish might deplete the supply of any marine organism; [RR 2021, c. 2, Pt. B, §35 (COR).]

C. Immediate action is necessary to comply with changes to federal or interstate fisheries management plans; or [PL 2015, c. 391, §1 (AMD).]

D. Immediate action is necessary pursuant to section 6302-B, subsection 4 to prohibit elver fishing. [PL 2015, c. 391, §2 (NEW).]

[RR 2021, c. 2, Pt. B, §35 (COR).]

4. Procedure. The procedures of subchapter II shall be used in adopting or amending regulations authorized by this section.

[PL 1977, c. 661, §5 (NEW).]

5. Rules to limit taking of marine organisms. The commissioner may adopt rules that limit the taking of a marine organism for the purpose of protecting another marine organism.

A. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 574, §1 (NEW).]

B. If the commissioner determines that for biological reasons a rule adopted under this section must take effect prior to final adoption under paragraph A, the commissioner may adopt the rule as a routine technical rule pursuant to Title 5, chapter 375, subchapter 2-A. A rule adopted under this paragraph is effective until 90 days after the adjournment of the next regular session of the Legislature. Rules adopted pursuant to this paragraph must also be submitted to the Legislature under paragraph A. The commissioner may not adopt rules under Title 5, section 8054 pursuant to this paragraph. [PL 2011, c. 598, §15 (AMD).]

[PL 2011, c. 598, §15 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 404 (AMD). PL 1983, c. 680, §1 (AMD). PL 1985, c. 703, §1 (AMD). PL 1997, c. 123, §2 (AMD). PL 2007, c. 157, §1 (AMD). PL 2007, c. 574, §1 (AMD). PL 2011, c. 598, §15 (AMD). PL 2013, c. 287, §1 (AMD). PL 2015, c. 80, §1 (AMD). PL 2015, c. 391, §§1, 2 (AMD). RR 2021, c. 2, Pt. B, §§34, 35 (COR).

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