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An Act To Continue Limited Entry in the Scallop Fishery

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

Whereas, this legislation needs to take effect as soon as possible in order to clarify who is eligible to obtain a license to take scallops; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6706, sub-§2, as enacted by PL 2007, c. 607, Pt. A, §4, is amended to read:

2. License eligibility in subsequent years. Except as provided in subsection 3, the commissioner may not issue a hand fishing scallop license or a scallop dragging license to any person in any year subsequent to 2009 unless that person possessed that license in the previous calendar year or is eligible to obtain a license in accordance with the limited entry system established under subsection 3.

Sec. 2. 12 MRSA §6706, sub-§3, as enacted by PL 2007, c. 607, Pt. A, §4, is amended to read:

3. Scallop license limited entry system. Notwithstanding subsection 2, the commissioner shall establish by rule a limited entry system under which a person who did not hold a hand fishing scallop license or a scallop dragging license in the previous calendar year may become eligible to obtain that license. The rules for a limited entry system must include provisions for the method and administration of the program. Rules adopted pursuant to this subsection are ~~routine technical~~ major substantive rules as defined in Title 5, chapter 375, subchapter 2#A.

Sec. 3. 12 MRSA §6706, sub-§4, as enacted by PL 2007, c. 607, Pt. A, §4, is repealed.

Sec. 4. Review. The Commissioner of Marine Resources shall review the composition of the Scallop Advisory Council under the Maine Revised Statutes, Title 12, section 6729#B. The commissioner shall compare the geographic representation of members of the Scallop Advisory Council to the geographic distribution of scallop hand fishing and scallop dragging license holders and determine whether council membership accurately represents the geographic distribution of license holders and recommend any changes necessary to ensure appropriate representation. The commissioner shall compare the number of licenses issued to scallop harvesters who hold hand fishing scallop licenses to the number of scallop harvesters who hold scallop dragging licenses, determine whether the number of members on the Scallop Advisory Council representing each type of license holder accurately represents the relative numbers of each type of license holder and recommend any changes necessary to ensure appropriate representation.

By December 7, 2011, the Commissioner of Marine Resources shall report to the Joint Standing Committee on Marine Resources on the commissioner's findings and recommendations and shall submit draft legislation necessary to implement the commissioner's recommendations concerning the composition of the Scallop Advisory Council. The Joint Standing Committee on Marine Resources may report out a bill on the subject of the report to the Second Regular Session of the 125th Legislature.

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

Effective 90 days following adjournment of the 125th
Legislature, First Regular Session, unless otherwise indicated.