

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND TWELVE

H.P. 1218 - L.D. 1609

**An Act To Ensure the Safety of Bait Used in Maine's 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,** local sources of bait are scarce and lobstermen are being driven to expand their search for bait; and

**Whereas,** the importation of marine and freshwater fish to be used as bait from various parts of the world may pose a risk to Maine's marine environment; and

**Whereas,** the fishing industry and marine scientists are concerned that Maine's lobster resource and other fisheries could be endangered by the introduction of this bait if it is contaminated by pathogens; and

**Whereas,** action must be taken immediately to prevent the use of bait that presents an unacceptable risk to Maine's marine environment and Maine's fisheries; 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 §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.

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

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In House of Representatives, ..... 2012

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2012

Read twice and passed to be enacted.

..... President

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Approved ..... 2012

..... Governor