§6171-A. Protection of public health and safety and prevention of gear conflicts

1. Commissioner's powers. The commissioner may investigate conditions affecting public safety, public health or property and conflicts among harvesters of marine organisms. The commissioner, with the advice and consent of the Marine Resources Advisory Council, may adopt or amend such rules as the commissioner considers necessary to:

A. Protect public health; [PL 2009, c. 528, §1 (NEW).]

B. Protect public safety; [PL 2009, c. 528, §1 (NEW).]

C. Prevent property damage; or [PL 2009, c. 528, §1 (NEW).]

D. Prevent gear conflicts and promote the optimum development of marine organisms. [PL 2009, c. 528, §1 (NEW).]

Rules adopted in accordance with this subsection may include, but are not limited to, rules governing area closures when necessary to address conflicts among persons who fish commercially that may cause a threat of harm to a person.
[PL 2009, c. 528, §1 (RPR).]

2. Limitations. The limitations of section 6171, subsection 2 also apply to rules to prevent gear conflicts.
[PL 2009, c. 528, §1 (RPR).]

3. Considerations. In adopting rules to prevent gear conflicts, the commissioner shall consider:

A. Traditional uses of the marine organisms; [PL 2009, c. 528, §1 (RPR).]

B. Total economic benefits to the area in which the organisms are harvested; and [PL 2009, c. 528, §1 (RPR).]

C. Promotion of the optimum economic and biological management of marine resources. [PL 2009, c. 528, §1 (RPR).]

In each case, the commissioner shall accommodate the needs of all interested parties to the maximum extent possible, through provisions for joint use, alternate use or other methods.
[PL 2009, c. 528, §1 (RPR).]

4. Procedure.
[PL 1987, c. 100, §1 (RP).]

4-A. Emergency rules. The commissioner may adopt or amend rules on an emergency basis if immediate action is necessary to protect the public health or public safety or to prevent property damage or serious economic harm to the area in which marine resources are harvested.
[PL 2009, c. 528, §1 (RPR).]

5. Emergency regulations.
[PL 1987, c. 100, §2 (RP).]

5-A. Procedure. The procedures of subchapter 2 must be used in adopting or amending rules authorized by this section.
[PL 2009, c. 528, §1 (RPR).]

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2009, c. 528, §1 (NEW).]

SECTION HISTORY

PL 1981, c. 427 (NEW). PL 1983, c. 645, §1 (AMD). PL 1987, c. 100, §§1-3 (AMD). PL 2009, c. 528, §1 (RPR).

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