

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

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Legislative Document

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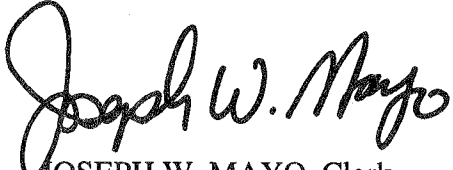
House of Representatives, January 28, 1998

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**An Act Concerning Sea Urchin Management.**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.  
Reference to the Committee on Marine Resources suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative ETNIER of Harpswell.

**Be it enacted by the People of the State of Maine as follows:**

2           **Sec. 1. 12 MRSA §6749-N, first ¶,** as enacted by PL 1993, c.  
4 740, §3, is amended to read:

6           Notwithstanding section 6749, ~~in-calendar-years-1995,-1996,~~  
8 ~~1997--and-1998,~~ it is unlawful for a person to fish for or take  
sea urchins from:

10           **Sec. 2. 12 MRSA §6749-O, sub-§§1 and 2,** as amended by PL  
12 1995, c. 595, §3, are further amended to read:

14           **1. Handfishing and dragging licenses.** Except as provided  
16 in subsections 3 and 4, the commissioner may not issue a  
18 handfishing sea urchin license or a sea urchin dragging license  
for calendar year 1994, 1995, 1996, 1997 or 1998 to any person  
unless that person possessed that license in the previous  
calendar year. This subsection is repealed December 31, 1998.

20           **2. Hand-raking and trapping license.** Except as provided in  
22 subsections 3 and 4, the commissioner may not issue a sea urchin  
24 hand-raking and trapping license for calendar year 1996 to any  
26 person unless that person possessed either a handfishing sea  
28 urchin license or a sea urchin dragging license in calendar year  
1995. The commissioner may not issue a sea urchin hand-raking  
and trapping license for calendar year 1997 or 1998 to any person  
unless that person possessed a sea urchin hand-raking and  
trapping license in the previous calendar year. A person who is  
issued a sea urchin hand-raking and trapping license may not be  
issued a handfishing sea urchin license or a sea urchin dragging  
license in the same calendar year. This subsection is repealed  
December 31, 1998.

34           **Sec. 3. 12 MRSA §6749-O, sub-§§2-A and 2-B** are enacted to read:

36           **2-A. Sea urchin eligibility.** The commissioner may not  
38 issue a handfishing sea urchin license, sea urchin dragging  
40 license or sea urchin hand-raking and trapping license to any  
42 person beginning in the calendar year 1999 unless that person  
possessed that license in the previous calendar year or that  
person establishes eligibility for that license under the sea  
urchin license lottery.

44           **2-B. Sea urchin license lottery.** The commissioner shall  
46 establish a sea urchin license lottery.

48           **A.** For calendar years 1999 and 2000, the number of new  
handfishing sea urchin licenses, sea urchin dragging  
licenses and sea urchin hand-raking and trapping licenses by

2 license type and zone must be established based on a ratio  
3 of one new entrant for every 5 licenses not renewed.

4 B. The commissioner shall establish by rule a lottery  
5 system to be the basis for granting licenses to harvest sea  
6 urchins to individuals not licensed prior to 1999. In order  
7 to be eligible to enter the lottery to obtain a handfishing  
8 sea urchin license, sea urchin dragging license and sea  
9 urchin hand-raking and trapping license, the individual must  
10 have held a valid sea urchin boat tender's license in the  
11 previous calendar year. In order to be eligible to obtain a  
12 sea urchin dragging license, the individual must have held a  
13 valid commercial fishing, scallop, mahogany quahog or mussel  
14 boat license in the previous calendar year.

15 Rules adopted pursuant to this subsection are routine technical  
16 rules as defined in Title 5, chapter 375, subchapter II-A.

17 **Sec. 4. 12 MRSA §6749-P**, as amended by PL 1995, c. 595, §4,  
18 is further amended to read:

19 **§6749-P. Licenses by zone**

20 ~~For calendar years 1995, 1996, 1997 and 1998,~~ a A person  
21 eligible to purchase a license under section 6749-O may purchase  
22 those licenses only for Zone 1 or Zone 2. All of those licenses  
23 issued to any one person in any one year must be for the same  
24 zone. ~~In calendar years 1997 and 1998,~~ a A person may not change  
25 from the zone in which the person harvested sea urchins in the  
26 previous calendar year unless the change is authorized in  
27 accordance with section 6749-Z. A handfishing sea urchin  
28 license, a sea urchin hand-raking and trapping license or a sea  
29 urchin dragging license authorizes the licensed activity only in  
30 the zone for which it is issued. A sea urchin dragging license  
31 must list the documentation or registration number of the vessel  
32 to be used by that licensee when dragging. A vessel  
33 documentation number or registration number may not be listed on  
34 more than one sea urchin boat license.

35 **Sec. 5. 12 MRSA §6749-Q, first ¶**, as amended by PL 1997, c.  
36 177, §1, is further amended to read:

37 The following surcharges are assessed on licenses sold for  
38 calendar years 1995, 1996, 1997 and, 1998, 1999, 2000, 2001 and  
39 2002:

40 **Sec. 6. 12 MRSA §6749-R, sub-§1**, as amended by PL 1997, c.  
41 177, §2, is further amended to read:

1. **Uses of the fund.** The commissioner shall use the fund for research directly related to sea urchin fishery management information needs and for reporting to licensed sea urchin harvesters, boat tenders, processors and buyers on the results of research and the use of fund revenues. The purpose of that research must be to determine, with the highest reliability possible given available resources, the greatest level of effort that may be applied to the sea urchin fishery without harming the long-term economic and biological sustainability of the sea urchin fishery. The commissioner shall consult with the Sea Urchin Zone Council under section 6749-X before deciding upon research projects and awarding grants from the fund. The fund may also be used for personnel services for enforcement. Up to 30% of allotted revenues may be used for personnel services for enforcement purposes.

**Sec. 7. 12 MRSA §6749-T**, as enacted by PL 1993, c. 740, §3, is amended to read:

**§6749-T. Repeal**

This article is repealed on January 1, 1999 2003.

**Sec. 8. 12 MRSA §6749-W, sub-§3, ¶A**, as amended by PL 1997, c. 177, §5, is further amended to read:

A. Up to 170 days between August 1st and March 30th of the following calendar year or November 1st and April 30th of the following calendar year during which a person may fish for or take sea urchins by hand, trap or rake. The license holder shall specify in which part of the season the license holder wishes to fish. A license holder may fish in only one part of the season and may not switch the designation during the season. The commissioner is not required to designate the days in consecutive order; and

**Sec. 9. 12 MRSA §6749-W, sub-§3, ¶B**, as enacted by PL 1995, c. 595, §5 and affected by §6, is amended to read:

B. Up to 170 days between October 1st and March 30th of the following calendar year or November 1st and April 30th of the following calendar year during which a person may fish for or take sea urchins with a drag or any combination of drags. The license holder may fish in only one part of the season and may not switch the designation during the season. The commissioner is not required to designate the days in consecutive order.

**Sec. 10. 12 MRSA §6749-X, sub-§1**, as enacted by PL 1995, c. 595, §5, is amended to read:

2           **1. Appointment; composition.** The Sea Urchin Zone Council,  
referred to in this section as the "council," established by  
4 Title 5, section 12004-I, subsection 57-B, consists of 18 19  
members. The commissioner shall appoint the members as follows:

6           A. Three sea urchin harvesters who hold a current  
8 handfishing sea urchin license for Zone 1;

10          B. Three sea urchin harvesters who hold a current  
handfishing sea urchin license for Zone 2;

12          C. Three sea urchin harvesters who hold a current sea  
14 urchin draggers license for Zone 1;

16          D. Three sea urchin harvesters who hold a current sea  
18 urchin draggers license for Zone 2;

20          E. One sea urchin processor who holds a current wholesale  
seafood license with a sea urchin processor's permit and  
whose processing operation is located in Zone 1;

22          F. One sea urchin processor who holds a current wholesale  
24 seafood license with a sea urchin processor's permit and  
whose processing operation is located in Zone 2;

26          G. One sea urchin buyer who holds a current wholesale  
28 seafood license with a sea urchin buyer's permit and whose  
base of operation is located in Zone 1;

30          H. One sea urchin buyer who holds a current wholesale  
32 seafood license with a sea urchin buyer's permit and whose  
base of operation is located in Zone 2; and

34          I. Two scientists who have expertise in marine resources  
36 management; and

38          J. One sea urchin harvester who holds a current boat  
tender's license.

40  
42 In making appointments under paragraphs A, B, C and D, the  
commissioner shall select members to ensure a geographic  
44 distribution of representation from each zone.

46           **Sec. 11. 12 MRSA §6749-X, sub-§3, ¶¶B and C,** as enacted by PL  
1997, c. 177, §7, are amended to read:

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48           B. Research projects and grants funded by the Sea Urchin  
50 Research Fund under section 6749-R; and

2 C. Other matters of interest to the sea urchin fishery; and

4 **Sec. 12. 12 MRSA §6749-X, sub-§3, ¶D** is enacted to read:

6 D. The ratio of the number of new licenses issued to the  
number of the licenses not renewed.

8 **Sec. 13. 12 MRSA §6749-Z**, as enacted by PL 1995, c. 595, §5,  
10 is amended by repealing and replacing the headnote to read:

12 **§6749-Z. Changing zones**

14 **Sec. 14. Report on sea urchin lottery system.** The Commissioner of  
16 Marine Resources, in consultation with the Sea Urchin Zone  
18 Council, shall report to the Second Regular Session of the 119th  
Legislature by February 1, 2000 on the sea urchin license lottery  
system pursuant to the Maine Revised Statutes, Title 12, section  
6749-O, subsection 2-B.

20 **SUMMARY**

22 The bill removes the application of specific years to the  
24 sea urchin statutory framework.

26 The bill repeals the license moratorium on December 31, 1998  
and replaces it with a lottery system for individuals who possess  
28 a valid sea urchin harvesting license.

30 The bill removes reference to years for the moratorium on  
license availability.

32 The bill extends the license research surcharge through  
34 2002.

36 The bill provides that the Sea Urchin Research Fund may be  
used for personnel services for enforcement as well as research.

38 The bill extends the repeal date of the article to 2003.

40 The bill provides 2 time frames for fishing in Zone 2 within  
42 the full fishing season. The harvester may select one of the 2  
time frames to fish in. The harvester may fish the entire number  
44 of days available for the zone during the time frame selected.

46 The bill adds a sea urchin boat tender representative to the  
Sea Urchin Zone Council.

48 The bill deletes the reference to specific years in the  
50 provision for changing zones.