

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1415

H. P. 1118

House of Representatives, March 24, 1975

On motion of Mr. Greenlaw of Stonington, referred to the Committee on Marine Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Jensen of Portland.

Cosponsor: Mr. Greenlaw of Stonington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Commercial Fishing and the Increase of Certain License Fees Issued by the Department of Marine Resources.

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

Sec. 1. 12 MRSA § 3801 is repealed and the following enacted in place thereof:

§ 3801. Commercial licenses; residents

It is unlawful for any resident of the State of Maine to engage in commercial fishing, unless he has a current written license from the commissioner as provided in this section, except that any person may fish for or take finfish by use of handline or rod and reel for consumption by himself or by members of his family without having a license as provided in this section.

1. License designation; residence requirements. The license designated as a resident commercial fishing license may be issued by the commissioner to any person who has been a legal resident of the State of Maine for 6 months next prior to the date of his application.

2. General scope of license. The licensee is entitled to fish for, take and sell all species of fish when and where it is otherwise lawful to take them, except shellfish, lobsters, crabs or scallops.

3. License fees; restrictions. A resident may obtain a resident commercial fishing license to engage in commercial fishing.

A. The license fee is \$10 for a single operator.

(1) All licenses issued under this paragraph are restricted to no crew other than a single operator.

B. If he desires the license to cover one or more crew members, other than a single operator, who are residents of this State, the fee is \$25.

(1) All licenses issued under this paragraph are unrestricted as to the number of crew members, but are restricted to crew members who are residents of this State.

C. If he desires the license to cover one or more crew members who are not residents of this State, the fee is \$25 for each license and \$25 additional for each member of the crew who is not a resident of this State.

(1) Any and all licenses issued under this paragraph are unrestricted as to the number of resident crew members, but are restricted to the number of nonresident crew members stated in the license.

4. Equipment and restrictions to be stated in license. The commissioner shall set forth in the license the equipment covered by the license and the crew member restrictions.

5. Persons assisting are crew members; special penalty. Any person assisting or helping in attending fishing gear or operating the boat is considered a member of the crew.

A. If a licensee has more crew members than is stated in the license, the operator of the boat, weir or fish trap shall be punished by a fine of \$25 for each such unauthorized person, or by imprisonment for not more than 30 days.

6. General licensing provisions apply. Section 3751 applies to resident commercial fishing licenses.

Sec. 2. 12 MRSA § 3802, 1st ¶ is amended to read:

It is unlawful for a nonresident of the State of Maine to ~~use or operate in the coastal waters of the State, any weir, floating fish trap or boat engaged~~ engage in ~~seining, dragging or netting~~ commercial fishing, unless he has a current written license from the commissioner as provided in this section, except that any person may fish for or take finfish by use of handline or rod and reel for consumption by himself or by members of his family without having a license as provided in this section.

Sec. 3. 12 MRSA § 3802, sub-§ 2 is amended to read:

2. General scope of license. The licensee is entitled to fish for, take and sell all species of fish ~~from the tidal waters of the State~~ when and where it is otherwise lawful to take them, except shellfish, lobsters, crab or scallops.

Sec. 4. 12 MRSA § 3802, sub-§ 3, 1st ¶ is amended to read:

A person who is not a resident of this State may obtain a nonresident commercial fishing license to ~~operate any number or any combination of the following: A boat engaged in seining, netting or dragging, a weir or a floating fish trap~~ to engage in commercial fishing.

Sec. 5. 12 MRSA § 3802, sub-§ 3, ¶ A, 1st sentence, is amended to read:
If he does not desire the license to cover more than 2 nonresident crew members, other than the operator, the fee is ~~\$100~~ for each boat, weir or fish trap licensed \$200.

Sec. 6. 12 MRSA § 3802, sub-§ 3, ¶ B, 1st ¶ is amended to read:

If he desires the license to cover more than 2 nonresident crew members, other than the operator, the fee is ~~\$100~~ \$200 for each boat, weir or fish trap licensed the license, plus \$25 for each nonresident crew member, other than the operator, beyond the first 2 covered by the license.

Sec. 7. 12 MRSA § 3802, sub-§ 5, ¶ A is amended to read:

A. If a ~~weir, trap or boat so licensed~~ licensee has more members than is stated in the license, the operator of the weir, trap or boat shall be punished by a fine of \$50 for each unauthorized person or by imprisonment for not more than 30 days.

Sec. 8. 12 MRSA § 4001, sub-§ 4, ¶ A is repealed and the following enacted in place thereof:

A. The fee is \$25 for each license.

Sec. 9. 12 MRSA § 4051, sub-§ 1, ¶ A, is amended to read:

A. The license fee for a resident sea moss license is ~~\$2~~ \$10 which must accompany the application to the commissioner.

Sec. 10. 12 MRSA § 4051, sub-§ 2, ¶ A, is amended to read:

A. The license fee for a nonresident sea moss license is ~~\$15~~ \$25 which must accompany the application.

Sec. 11. 12 MRSA § 4301, sub-§ 3 is repealed as follows:

3. ~~Exception for bait purposes. The holder of a commercial fishing license or a lobster and crab fishing license may take any species of shellfish for bait purposes only, without having the license provided in this section~~

Sec. 12. 12 MRSA § 4301, sub-§ 5, ¶ A is amended to read:

A. The fee for the license is ~~\$3~~ \$10 which the applicant shall submit with his application.

Sec. 13. 12 MRSA § 4301, sub-§ 6, ¶ A is repealed as follows:

A. ~~This subsection does not apply to the possession of shellfish for bait purposes as provided in subsection 3~~

Sec. 14. 12 MRSA § 4302, sub-§ 6, first ¶, is amended to read:

6. License fees; supplemental licenses. The fee for a wholesale seafood dealer's and processor's license is ~~\$35~~ \$50.

Sec. 15. 12 MRSA § 4303, sub-§ 3, ¶ A, is amended to read:

A. The license fee is ~~\$2~~ \$10 for each license which the applicant shall submit with his application.

Sec. 16. 12 MRSA § 4306, sub-§ 2, is amended to read:

2. License fees. The fee for the license is ~~\$35~~ \$50 which covers one boat, one truck, one automobile, one airplane or one other type of vehicle. There is an extra fee of \$10 for each vehicle beyond the first to be used as a means of transportation for the shellfish.

Sec. 17. 12 MRSA § 4402, sub-§ 1, is amended to read:

1. Dealer may obtain permit; fee. Any person, firm or corporation licensed as a dealer under sections 4302 or 4303 may be granted a permit to remove lobster meat from the shell upon written application to the commissioner and the payment of a fee of ~~\$10~~ \$25.

Sec. 18. 12 MRSA § 4403, sub-§ 3, first ¶, is amended to read:

3. License fees. The license fee is \$50 plus ~~\$5~~ \$10 for each boat, truck, automobile, airplane or other vehicle, beyond the first, to be used by the licensee in the transportation.

Sec. 19. 12 MRSA § 4403, sub-§ 3, ¶ A, is amended to read:

A. The license fee is only \$25 plus ~~\$5~~ \$10 for each vehicle, beyond the first, for the holder of a current wholesale seafood dealer's and processor's license.

Sec. 20. 12 MRSA § 4404, sub-§ 5 is amended to read:

5. License fee. The fee for a lobster and crab fishing license is ~~\$10~~ \$25 which the applicant shall enclose with his application.

Sec. 21. Appropriation. There is appropriated from the General Fund the sum of \$390,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1975-76	1976-77
MARINE RESOURCES, DEPARTMENT OF		
Administration, Marketing, Research & Extension		
Personal Services	(3) \$33,300	(3) \$33,150
All Other	41,000	41,000
Capital Expenditures	5,000	8,000
	<hr/> \$79,300	<hr/> \$82,150
Enforcement Division		
Personal Services	(6) 61,455	(6) 63,000
All Other	22,000	22,000
Capital Expenditures	13,000	8,850
	<hr/> \$96,455	<hr/> \$93,850

	1975-76	1976-77
ATTORNEY GENERAL, OFFICE OF THE		
Personal Services	(1) \$14,500	(1) \$15,200
All Other	4,000	3,300
Capital Expenditures	745	500
	<u>\$19,245</u>	<u>\$19,000</u>

FISCAL NOTE

Estimated increased revenue	\$195,000	\$195,000
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STATEMENT OF FACT

This provides a moderate across-the-board increase for department license fees. It is intended that the increased revenue would provide for improved services of the department to the people of the State of Maine in the areas of enforcement, marketing, extension, research and to provide for a special Assistant Attorney General.