

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1148, L.D. 1673, Bill, "An Act to Increase Fees for Licenses Issued by the Department of Marine Resources"

Amend the amendment by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, revenues raised by this legislation must be available by July 1st in order to retain essential warden service in the Department of Marine Resources; 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 §6421, as amended by PL 1989, c. 455, §2, is further amended to read:

§6421. Lobster and crab fishing licenses

1. License required. It shall ~~be~~ is unlawful for any person to engage in the activities authorized by this license under this section without a current Class I ~~or~~ Class II or Class III lobster and crab fishing license or other license issued under this Part authorizing the activities.

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2 2. Licensed activity. The holder of a Class I ~~or~~ Class II
4 or Class III lobster and crab fishing license may fish for, take,
6 possess, ship or transport within the State lobsters or crabs and
8 sell lobsters or crabs the license holder has taken. The license
10 shall ~~does~~ not authorize the license holder to remove lobster
meat from the shell or to take, possess, transport or ship
lobster parts or meat. The holder of a Class II or Class III
license is liable for the licensed activities under this
subsection of all unlicensed crew members assisting that licensee.

12 3-A. License limitation. A license shall ~~authorize~~
authorize activities by individuals as follows.

14 A. A Class I license shall ~~only authorize~~ authorize the
16 licensed activities by the individual who is named in the
18 license. Any individual assisting or helping a Class I
license holder in these activities shall ~~must~~ must also be
licensed.

20 B. A Class II license shall ~~authorize~~ authorize the
22 license holder to engage in the licensed activities. A
24 Class II license holder may engage a ~~maximum of 2~~ one
unlicensed crew members member to assist in the licensed
activities under the direct supervision of the Class II
license holder.

28 C. A Class III license authorizes the license holder to
30 engage in the licensed activities. A Class III license
32 holder may engage 2 unlicensed crew members to assist in the
licensed activities under the direct supervision of the
Class III license holder.

34 4. Exception. No A license shall ~~be~~ is not required to
take or catch crabs with bare hands or hook and line.

36 5. Eligibility. A Class I ~~or~~ Class II or Class III
38 lobster and crab fishing license shall ~~may~~ may only be issued to an
individual and shall ~~be~~ is a resident license.

40 6. Buoy colors. Each license applicant shall ~~must~~ must
42 describe, on the application, a single color design of the
applicant's buoys.

44 7-A. Fee. The ~~Except as provided in subsection 8,~~ the fee
46 for the license shall ~~be~~ is:

48 A. \$26 Forty-three dollars for a Class I license for
applicants under ~~17~~ 18 years of age;

- 2 B. ~~\$53~~ Eighty-nine dollars for a Class I license for
4 applicants ~~17~~ 18 years of age or older; and
- 6 C. ~~\$159~~ Two hundred sixty-six dollars for a Class II
8 license; and
- 10 D. Three hundred sixty-five dollars for a Class III license.

12 8. Exception. The fee for a Class I license for applicants
14 70 years of age or older is \$53.

16 **Sec. 2. 12 MRSA §6501, sub-§5,** as amended by PL 1985, c. 659,
18 is further amended to read:

20 5. **Fees.** Fees for commercial fishing licenses shall ~~be~~ are:

22 A. ~~\$20~~ Thirty-three dollars for resident operator;

24 B. ~~\$53~~ Eighty-nine dollars for resident operator and all
26 crew members; and

28 C. ~~\$200~~ Three hundred thirty-four dollars for nonresident
30 operator and all crew members.

32 **Sec. 3. 12 MRSA §6502, sub-§3,** as enacted by PL 1977, c. 661,
34 §5, is amended to read:

36 3. **Fee.** The permit fee shall ~~be~~ is ~~\$50~~ \$84, which may be
38 credited against the license fee for a commercial fishing
40 license, if it is issued to the permittee within 30 days of the
42 issuing of the permit.

44 **Sec. 4. 12 MRSA §6601, sub-§5,** as amended by PL 1987, c. 826,
46 §1, is further amended to read:

48 5. **Fee.** The fee for a shellfish license is ~~\$38~~ \$63.

50 **Sec. 5. 12 MRSA §6701, sub-§5,** as amended by PL 1985, c. 379,
§3, is further amended to read:

5. **Fee.** The fee for a scallop license shall ~~be~~ is ~~\$53~~ \$89.

Sec. 6. 12 MRSA §6702, sub-§5, as amended by PL 1985, c. 662,
§3, is further amended to read:

5. **Fee.** The fee for a scallop boat license is ~~\$53~~ \$89.

Sec. 7. 12 MRSA §6703, sub-§4, as enacted by PL 1985, c. 662,
§4, is amended to read:

2 4. Fee. The fee for a noncommercial scallop license is \$5
3 \$8.

4 Sec. 8. 12 MRSA §§6704 and 6705 are enacted to read:

6 §6704. Handfishing sea urchin license

8 1. License required. It is unlawful for any person to
10 engage in the activities authorized by the license under this
12 section without a current handfishing sea urchin license or other
14 license issued under this Part authorizing the activities.

16 2. Licensed activity. The holder of a handfishing sea
18 urchin license may take sea urchins by hand or possess, ship,
20 transport or sell sea urchins taken by that licensee.

22 3. Fee. The fee for a handfishing sea urchin license is
24 \$89.

26 §6705. Sea urchin boat license

28 1. License required. It is unlawful for any person to use
30 a boat for dragging for sea urchins unless that boat carries a
32 sea urchin boat license issued by the commissioner.

34 2. Licensed activity. A boat licensed under this section
36 may be used for dragging for sea urchins. The license also
38 authorizes the captain and crew members aboard the licensed boat
40 to drag for sea urchins.

42 3. Eligibility. A sea urchin boat license may be issued
44 only to an individual and must be a resident license.

46 4. Fee. The fee for a sea urchin boat license is \$89.

48 Sec. 9. 12 MRSA §6731, sub-§4, as enacted by PL 1989, c. 828,
§3, is amended to read:

 4. Fee. The fee for a mahogany quahog license is ~~\$53~~ \$89.
Fees collected pursuant to this section must be deposited in the
General Fund.

 Sec. 10. 12 MRSA §6745, sub-§5, as amended by PL 1987, c. 826,
§3, is further amended to read:

 5. Fee. The fee for a hand-raking mussel license is ~~\$38~~
\$63.

2 **Sec. 11. 12 MRSA §6746, sub-§5**, as amended by PL 1987, c. 826,
3 §4, is further amended to read:

4 5. **Fee.** The fee for a mussel boat license is \$78 \$130.

6 **Sec. 12. 12 MRSA §6751, sub-§4**, as amended by PL 1985, c. 379,
7 §4, is further amended to read:

8 4. **Fee.** The fee for a marine worm digger's license shall-be
9 ~~\$26~~ is \$43.

10 **Sec. 13. 12 MRSA §6803, sub-§3**, as enacted by PL 1989, c. 523,
11 §2, is amended to read:

12 3. **Fees.** The fee schedule for seaweed permits is as
13 follows:

14 A. ~~Six~~ Ten dollars for a resident seaweed permit;

15 B. ~~Fifty~~ Eighty-four dollars for a nonresident seaweed
16 permit; and

17 C. ~~Two~~ Three dollars for a supplemental seaweed permit.

18 **Sec. 14. 12 MRSA §6851, sub-§6**, as amended by PL 1985, c. 379,
19 §6, is further amended to read:

20 6. **Fee.** The fees shall-be are as follows:

21 A. ~~\$130~~ Two hundred seventeen dollars for the wholesale
22 seafood license; and

23 B. ~~\$26~~ Forty-three dollars for each supplemental license.

24 **Sec. 15. 12 MRSA §6852, sub-§4**, as amended by PL 1987, c. 826,
25 §5, is further amended to read:

26 4. **Fee.** The fee for a retail seafood license is \$51 \$85.

27 **Sec. 16. 12 MRSA §6853, sub-§6**, as amended by PL 1981, c. 480,
28 §10, is further amended to read:

29 6. **Fee.** The fee for a marine worm dealer's license shall-be
30 ~~\$33~~ is \$55 and the fee for a supplemental license shall-be-~~\$13~~ is
31 \$22.

32 **Sec. 17. 12 MRSA §6854, sub-§6**, as amended by PL 1985, c. 379,
33 §8, is further amended to read:

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2 6. Fees. The fee for a lobster transportation license shall
be-~~\$130~~ is \$217 and the fee for a supplemental license shall-be
4 \$26 is \$43.

6 **Sec. 18. 12 MRSA §6855, sub-§6**, as amended by PL 1987, c. 826,
§6, is further amended to read:

8 6. Fees. The fee for a shellfish transportation license is
10 ~~\$155~~ \$259 and the fee for a supplemental license is ~~\$51~~ \$85.

12 **Sec. 19. 12 MRSA §6857, sub-§5**, as amended by PL 1985, c. 379,
§10, is further amended to read:

14 5. Fee. The fee for a lobster meat permit shall-be-~~\$66~~ is
16 \$110.

18 **Sec. 20. 12 MRSA §7606, sub-§3** is enacted to read:

20 3. Rules; bait dealer's license. The commissioner may
adopt rules requiring that a person selling bait be licensed.

22 **Sec. 21. Effective date of fee increases.** License fee increases
24 established in this Act are effective beginning with licenses
26 issued for calendar year 1992. Notwithstanding any provision of
28 this Act, the Department of Marine Resources shall charge the
license fee in effect on June 1, 1991 for any calendar year 1991
license sold after the effective date of this Act.

30 **Sec. 22. Warden service.** By October 1, 1991, the Commissioner
of Marine Resources shall reestablish and create all positions
32 authorized by this Act. The commissioner shall retain the
currently filled marine patrol officer positions and hire by July
34 1, 1992 the one marine patrol officer authorized by this Act. If
the Commissioner of Marine Resources fails to fill all positions
36 authorized by this Act by July 1, 1992:

38 1. All license fee increases authorized by this Act are
repealed;

40 2. Notwithstanding the Maine Revised Statutes, Title 1,
42 section 302, all license fees affected by this Act are reduced to
the license fee amounts in effect on June 1, 1991; and

44 3. All funds appropriated to the Department of Marine
46 Resources under this Act that are unexpended are returned to the
General Fund.

48 **Sec. 23. Appropriation.** The following funds are appropriated
50 from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
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4	LEGISLATURE	
6	Lobster Management Task Force	
8	Personal Services	\$3,575
	All Other	5,425
10		
12	Provides funds for the per	
14	diem and expenses of the	
16	Lobster Management Task	
	Force, printing costs and	
	other general operating	
	expenses.	
18	LEGISLATURE	
	TOTAL	
	<u>\$9,000</u>	
20	MARINE RESOURCES,	
22	DEPARTMENT OF	
24	Bureau of Marine Patrol	
26	Positions	(12.0)
	Personal Services	\$450,835
28	All Other	3,202
30		(12.0)
32		\$495,280
34		42,851
36	Provides funds to retain 11	
	currently filled Marine	
	Patrol Officer positions,	
	establish one Marine Patrol	
	Officer Specialist Boat	
	Captain position and provide	
	required general operating	
	expenses.	
38	DEPARTMENT OF MARINE RESOURCES	
40	TOTAL	
	<u>\$454,037</u>	<u>\$538,131</u>
42	TOTAL APPROPRIATIONS	
	<u>\$463,037</u>	<u>\$538,131</u>
44	Sec. 24. Allocations. The following funds are allocated from	
46	the Shellfish Fund to carry out the purposes of this Act.	
48	1991-92	1992-93
50	MARINE RESOURCES,	
	DEPARTMENT OF	

HOUSE AMENDMENT

2 **Administration - Marine Resources**

4 All Other \$15,000

6 Provides funds for a grant to
8 Beals Island Clam Hatchery
for shellfish research.

10 **Bureau of Marine Sciences**

12	Positions	(1.0)	(1.0)
	Personal Services	\$33,491	\$34,724
14	All Other	630	12,716
	Capital Expenditures		10,000

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18	TOTAL	<u>\$34,121</u>	<u>\$57,440</u>
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20 Provides funds for one Marine
22 Resource Specialist I
position and general
24 operating expenses for
paralytic shellfish poisoning
26 sampling.

28 **DEPARTMENT OF MARINE RESOURCES**

28	TOTAL	<u>\$49,121</u>	<u>\$57,440</u>
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30 **Sec. 25. Allocations.** The following funds are allocated from
the Marine Worm Fund to carry out the purposes of this Act.

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	1991-92	1992-93
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36 **MARINE RESOURCES,
DEPARTMENT OF**

38 **Bureau of Marine Sciences**

40	Personal Services	\$14,000	\$16,200
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42 Provides partial funding for
44 one Marine Scientist II
position assigned to research
46 marine worms.

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48 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect July 1, 1991.

FISCAL NOTE

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1991-92 1992-93

APPROPRIATIONS/ALLOCATIONS

General Fund	\$463,037	\$538,121
Other Funds	63,121	73,640

REVENUES

General Fund	\$538,121	\$538,121
Other Funds	73,640	73,640

The increases of fees for licenses issued by the Department of Marine Resources will increase General Fund revenue by \$538,121 in fiscal year 1991-92 and fiscal year 1992-93, increase dedicated revenue to the Marine Worm Fund by \$16,200 in fiscal year 1991-92 and fiscal year 1992-93 and increase dedicated revenue to the Shellfish Fund by \$57,440 in fiscal year 1991-92 and fiscal year 1992-93.

General Fund appropriations of \$454,037 in fiscal year 1991-92 and \$538,121 in fiscal year 1992-93 to the Department of Marine Resources are included to retain 11 Marine Patrol Officer positions, establish a new Marine Patrol Specialist position and provide funds for general operating expenses. The Governor's adjusted current services budget proposes to eliminate 7 vacant and 11 filled Marine Patrol Officer positions and related All Other and Capital Expenditures.

A General Fund appropriation to the Legislature of \$9,000 is provided to fund a study of the lobster industry. Companion legislation, L.D. 967, establishes a Lobster Management Task Force and defines the scope of the study.

This bill allocates from the Shellfish Fund \$15,000 in fiscal year 1991-92 for a grant to Beals Island Clam Hatchery, \$34,121 in fiscal year 1991-92 and \$57,440 in fiscal year 1992-93 for a Marine Resource Specialist I to do paralytic shellfish poisoning sampling. Allocation from the Marine Worm Fund of \$14,000 in fiscal year 1991-92 and \$16,200 in fiscal year 1992-93 to research marine worms are also included.

This bill also requires the Department of Marine Resources to hire the Marine Patrol Officer Specialist position authorized in the bill by July 1, 1992. If the department fails, the fee increases are repealed and returned to their current level and all funds appropriated to the department lapse back to the General Fund.'

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STATEMENT OF FACT

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This amendment strikes the committee amendment and replaces
the bill. The amendment makes the bill an emergency.

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The amendment retains much of the substance of the committee
amendment and the original bill but reduces the license fee
increases proposed in the bill and the committee amendment. The
amendment retains provisions in the bill that require licenses
for handfishing for sea urchins and for using a boat for dragging
for sea urchins. Undedicated revenue derived from these fees is
appropriated to the Department of Marine Resources, Bureau of
Marine Patrol to retain 11 existing filled Marine Patrol Officer
positions proposed for elimination in the fiscal year 1992-93
budget and to create one Marine Patrol Officer Specialist Boat
Captain position. Nine thousand dollars is appropriated to the
Legislature to fund a legislative study of the lobster industry.

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The amendment also allocates approximately \$50,000 in new
license revenues from the Shellfish Fund to provide a grant for
shellfish research and to do marine sampling. Approximately
\$15,000 in new license fee revenue is allocated from the Worm
Fund for research on marine worms.

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The amendment also adds a new fiscal note to the bill.

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Filed by Rep. Mitchell of Freeport
Reproduced and distributed under the direction of the Clerk of the
House
(6/10/91) (Filing No. H-626)