

MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "B" 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.

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

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

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

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

28 C. A Class III license authorizes the license holder to
engage in the licensed activities. A Class III license
30 holder may engage 2 unlicensed crew members to assist in the
licensed activities under the direct supervision of the
32 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 only be issued to an
individual and shall ~~be~~ is a resident license.

40 6. **Buoy colors.** Each license applicant shall 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;

50 B. \$53 Eighty-nine dollars for a Class I license for
52 applicants 17 18 years of age or older; and

2 C. ~~\$159~~ Two hundred sixty-six dollars for a Class II
license; and

4 D. Three hundred sixty-five dollars for a Class III license.

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

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

12 5. Fees. Fees for commercial fishing licenses shall be are:

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

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

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

22 **Sec. 3. 12 MRSA §6502, sub-§3**, as enacted by PL 1977, c. 661,
24 §5, is amended to read:

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

30 **Sec. 4. 12 MRSA §6601, sub-§5**, as amended by PL 1987, c. 826,
32 §1, is further amended to read:

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

36 **Sec. 5. 12 MRSA §6701, sub-§5**, as amended by PL 1985, c. 379,
38 §3, is further amended to read:

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

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

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

46 **Sec. 7. 12 MRSA §6703, sub-§4**, as enacted by PL 1985, c. 662,
48 §4, is amended to read:

50 4. Fee. The fee for a noncommercial scallop license is \$5
~~\$8~~.

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

2 §6704. Handfishing sea urchin license

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

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

18 3. Fee. The fee for a handfishing sea urchin license is
20 \$89.

22 §6705. Sea urchin boat license

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

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

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

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

44 Sec. 9. 12 MRSA §6731, sub-§4, as enacted by PL 1989, c. 828,
46 §3, is amended to read:

48 4. Fee. The fee for a mahogany quahog license is \$53
50 \$89. Fees collected pursuant to this section must be deposited in the
52 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.

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

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

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

2 4. Fee. The fee for a marine worm digger's license shall-be
3 \$26 is \$43.

4 Sec. 13. 12 MRSA §6803, sub-§3, as enacted by PL 1989, c. 523,
5 §2, is amended to read:

6 3. Fees. The fee schedule for seaweed permits is as
7 follows:

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

12 B. Fifty Eighty-four dollars for a nonresident seaweed
13 permit; and

14 C. Two Three dollars for a supplemental seaweed permit.

16 Sec. 14. 12 MRSA §6851, sub-§6, as amended by PL 1985, c. 379,
17 §6, is further amended to read:

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

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

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

26 Sec. 15. 12 MRSA §6852, sub-§4, as amended by PL 1987, c. 826,
27 §5, is further amended to read:

30 4. Fee. The fee for a retail seafood license is ~~\$51~~ \$85.

32 Sec. 16. 12 MRSA §6853, sub-§6, as amended by PL 1981, c. 480,
33 §10, is further amended to read:

34 6. Fee. The fee for a marine worm dealer's license shall-be
35 ~~\$33~~ is \$55 and the fee for a supplemental license shall-be-~~\$13~~ is
36 \$22.

38 Sec. 17. 12 MRSA §6854, sub-§6, as amended by PL 1985, c. 379,
39 §8, is further amended to read:

42 6. Fees. The fee for a lobster transportation license shall
43 be-~~\$130~~ is \$217 and the fee for a supplemental license shall-be
44 ~~\$26~~ is \$43.

46 Sec. 18. 12 MRSA §6855, sub-§6, as amended by PL 1987, c. 826,
47 §6, is further amended to read:

48 6. Fees. The fee for a shellfish transportation license is
49 ~~\$155~~ \$259 and the fee for a supplemental license is ~~\$51~~ \$85.

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

4 5. Fee. The fee for a lobster meat permit shall be ~~\$66~~ is
6 \$110.

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

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

12 Sec. 21. Effective date of fee increases. License fee increases
14 established in this Act are effective beginning with licenses
16 issued for calendar year 1992. Notwithstanding any provision of
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.

18 Sec. 22. Bureau of Marine Patrol. By October 1, 1991, the
20 Commissioner of Marine Resources shall reestablish and create all
22 positions authorized by this Act. The commissioner shall retain
the currently filled marine patrol officer positions and hire by
July 1, 1992 the one marine patrol officer authorized by this
Act. If the Attorney General determines that the Commissioner of
Marine Resources has not complied with the provisions of this
section by July 1, 1992:

28 1. All license fee increases authorized by this Act are
repealed and notwithstanding the Maine Revised Statutes, Title 1,
30 section 302, the fee for any license affected by this Act issued
for calendar year 1993 or later is the fee in effect on June 1,
32 1991; and

34 2. All funds appropriated to the Department of Marine
Resources under this Act that are unexpended are returned to the
36 General Fund.

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

	1991-92	1992-93
LEGISLATURE		
Lobster Management Task Force		
Personal Services	\$3,575	
All Other	5,425	
Provides funds for the per diem and expenses of the		

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1148,
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2 Lobster Management Task
Force, printing costs and
4 other general operating
expenses.

6 **LEGISLATURE**
TOTAL \$9,000

8 **MARINE RESOURCES,**
10 **DEPARTMENT OF**

12 **Bureau of Marine Patrol**

14	Positions	(12.0)	(12.0)
	Personal Services	\$450,835	\$495,280
16	All Other	3,202	42,851

18 Provides funds to retain 11
currently filled Marine
20 Patrol Officer positions,
establish one Marine Patrol
22 Officer Specialist Boat
Captain position and provide
24 required general operating
expenses.

26 **DEPARTMENT OF MARINE RESOURCES**
28 **TOTAL** \$454,037 \$538,131

30 **TOTAL APPROPRIATIONS** \$463,037 \$538,131

32 **Sec. 24. Allocations.** The following funds are allocated from
34 the Shellfish Fund to carry out the purposes of this Act.

36 **1991-92** **1992-93**

38 **MARINE RESOURCES,**
40 **DEPARTMENT OF**

42 **Administration - Marine Resources**

44 All Other \$15,000

46 Provides funds for a grant to
Beals Island Clam Hatchery
48 for shellfish research.

50 **Bureau of Marine Sciences**

52	Positions	(1.0)	(1.0)
	Personal Services	\$33,491	\$34,724

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2	All Other	630	12,716
	Capital Expenditures		10,000
4			
6	TOTAL	<u>\$34,121</u>	<u>\$57,440</u>
8	Provides funds for one Marine		
10	Resource Specialist I		
12	position and general		
	operating expenses for		
	paralytic shellfish poisoning		
	sampling.		
14	DEPARTMENT OF MARINE RESOURCES		
16	TOTAL	<u>\$49,121</u>	<u>\$57,440</u>

18 Sec. 25. Allocations. The following funds are allocated from
the Marine Worm Fund to carry out the purposes of this Act.

20		1991-92	1992-93
22	MARINE RESOURCES,		
24	DEPARTMENT OF		
	Bureau of Marine Sciences		
26	Personal Services	\$14,000	\$16,200
28	Provides partial funding for		
30	one Marine Scientist II		
32	position assigned to research		
	marine worms.		

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

36 FISCAL NOTE

38		1991-92	1992-93
40	APPROPRIATIONS/ALLOCATIONS		
42	General Fund	\$463,037	\$538,121
44	Other Funds	63,121	73,640
46	REVENUES		
48	General Fund	\$538,121	\$538,121
50	Other Funds	73,640	73,640

52 The increases of fees for licenses issued by the Department
of Marine Resources will increase General Fund revenue by

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L.D. 1673

2 \$538,121 in fiscal year 1991-92 and fiscal year 1992-93, increase
4 dedicated revenue to the Marine Worm Fund by \$16,200 in fiscal
6 year 1991-92 and fiscal year 1992-93 and increase dedicated
8 revenue to the Shellfish Fund by \$57,440 in fiscal year 1991-92
10 and fiscal year 1992-93.

12 General Fund appropriations of \$454,037 in fiscal year
14 1991-92 and \$538,121 in fiscal year 1992-93 to the Department of
16 Marine Resources are included to retain 11 Marine Patrol Officer
18 positions, establish a new Marine Patrol Specialist position and
20 provide funds for general operating expenses. The Governor's
22 adjusted current services budget proposes to eliminate 7 vacant
24 and 11 filled Marine Patrol Officer positions and related All
26 Other and Capital Expenditures.

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

36 This bill allocates from the Shellfish Fund \$15,000 in
38 fiscal year 1991-92 for a grant to Beals Island Clam Hatchery,
40 \$34,121 in fiscal year 1991-92 and \$57,440 in fiscal year 1992-93
42 for a Marine Resource Specialist I to do paralytic shellfish
44 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.'

STATEMENT OF FACT

This amendment contains the provisions of House Amendment
"A" to Committee Amendment "A" but clarifies those provisions
relating to the Department of Marine Resources' responsibilities
to hire marine patrol personnel.

44
Filed by Rep. Mitchell of Freeport
Reproduced and distributed under the direction of the Clerk of the
House
(6/12/91) (Filing No. H-669)