

MAINE STATE LEGISLATURE

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

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 bill by inserting after the title and before the enacting clause 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,

Further amend the bill by striking out all of section 1 and inserting in its place the following:

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. **Licensed activity.** The holder of a Class I ~~or~~ Class II or Class III lobster and crab fishing license may fish for, take, possess, ship or transport within the State lobsters or crabs and

2 sell lobsters or crabs the license holder has taken. The license
3 shall does not authorize the license holder to remove lobster
4 meat from the shell or to take, possess, transport or ship
5 lobster parts or meat. The holder of a Class II or Class III
6 license is liable for the licensed activities under this
7 subsection of all unlicensed crew members assisting that licensee.

8 **3-A. License limitation.** A license shall ~~authorize~~
9 authorizes activities by individuals as follows.

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

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

21 C. A Class III license authorizes the license holder to
22 engage in the licensed activities. A Class III license
23 holder may engage 2 unlicensed crew members to assist in the
24 licensed activities under the direct supervision of the
25 Class III license holder.

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

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

31 **6. Buoy colors.** Each license applicant shall must
32 describe, on the application, a single color design of the
33 applicant's buoys.

34 **7-A. Fee.** The Except as provided in subsection 8, the fee
35 for the license shall be is:

36 A. \$26 Fifty-three dollars for a Class I license for
37 applicants under 17 18 years of age;

38 B. \$53 One hundred six dollars for a Class I license for
39 applicants 17 18 years of age or older; and

40 C. \$159 Two hundred twelve dollars for a Class II license,
41 and

D. Three hundred eighteen dollars for a Class III license.

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

Further amend the bill in section 8 in that part designated "~~\$6704.~~" in subsection 3 in the last line (page 2, line 21 in L.D.) by striking out the following: "~~\$76.~~" and inserting in its place the following: '\$106.'

Further amend the bill in section 8 in that part designated "~~\$6705.~~" in subsection 4 in the first line (page 2, line 37 in L.D.) by striking out the following: "~~\$156.~~" and inserting in its place the following: '\$106.'

Further amend the bill by striking out all of section 20 and inserting in its place the following:

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

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

Sec. 21. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
MARINE RESOURCES, DEPARTMENT OF		
Bureau of Marine Patrol		
Positions	(18.0)	(18.0)
Personal Services	\$667,126	\$704,546
All Other	58,781	21,361
TOTAL	\$725,907	\$725,907

Provides funds derived from increases in commercial fishing and dealers' licenses to retain 11 filled Marine Patrol Officer positions, reestablish 6 Marine Patrol Officer positions and create one Marine Patrol Officer Specialist position.

Administration - Marine Resources

2	Personal Services	\$17,362	\$6,894
4	All Other	52,638	63,106
6	TOTAL	<u>\$70,000</u>	<u>\$70,000</u>

8 Provides funds for per diem,
 10 travel expenses and other
 12 costs associated with the
 14 lobster management task force
 16 and funds for development of
 18 a lobster promotion and
 marketing plan in cooperation
 with the lobster industry and
 for the promotion and
 marketing of lobsters.

20	DEPARTMENT OF MARINE RESOURCES		
	TOTAL	<u>\$795,907</u>	<u>\$795,907</u>

22 **Sec. 22. Warden service.** By October 1, 1991, the Commissioner
 of Marine Resources shall reestablish and create all positions
 24 authorized by this Act. The commissioner shall retain the
 currently filled marine patrol officer positions and shall hire,
 26 by July 1, 1992, the 6 marine patrol officers and the marine
 patrol officer specialist authorized by this Act. If the
 28 Commissioner of Marine Resources fails to hire all positions
 authorized by this Act by July 1, 1992:

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

34 2. Notwithstanding Title 1, section 302, all license fees
 affected by this Act are reduced to the license fee amounts in
 36 effect on May 1, 1991; and

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

42 **Emergency clause.** In view of the emergency cited in the
 preamble, this Act takes effect on July 1, 1991.
 44

FISCAL NOTE

48		1991-92	1992-93
50	APPROPRIATIONS/ALLOCATIONS		
52	General Fund	\$795,907	\$795,907

2 REVENUES

4	General Fund	\$799,702	\$799,702
	Other Funds	\$109,910	\$109,910

6
 8 Increasing the fees for licenses issued by the Department of
 Marine Resources will increase General Fund revenue by \$799,702
 10 in fiscal years 1991-92 and 1992-93, increase dedicated revenue
 to the Marine Worm Fund by \$24,181 in fiscal years 1991-92 and
 12 1992-93 and increase dedicated revenue to the Shellfish Fund by
 \$85,729 in fiscal years 1991-92 and 1992-93.

14 Included in the bill are General Fund appropriations of
 \$795,907 annually to the Department of Marine Resources for 17
 16 Marine Patrol Officer positions, a Marine Patrol Specialist
 position, general operating expenses, a lobster promotion and
 18 marketing plan and additional expenses of the lobster management
 task force. No allocations were requested for the Marine Worm
 20 Fund and the Shellfish Fund.

22 This bill also requires the Department of Marine Resources
 to hire all the Marine Patrol Officer positions authorized in the
 24 bill by July 1, 1992. If the department fails to do so, this
 legislation will repeal the fee increases, return the license
 26 fees to their current level and return all funds appropriated to
 the department back to the General Fund.'

30 STATEMENT OF FACT

32 This is the majority report of the Joint Standing Committee
 34 on Marine Resources. The amendment makes the bill an emergency,
 makes minor adjustments to the fee increases proposed in the bill
 36 and corrects errors in the bill. The amendment also adds new
 language permitting the Commissioner of Marine Resources to adopt
 38 rules requiring licensing of bait dealers. An appropriation
 section, an allocation section and a fiscal note are also added
 40 to the bill.

42 The amendment also appropriates an additional \$140,000
 during the biennium to the Department of Marine Resources to be
 44 used for lobster promotion and marketing and adds language that
 requires the Commissioner of Marine Resources to hire all warden
 46 positions authorized in the bill by July 1, 1992. If the
 commissioner fails to hire the wardens authorized in the bill by
 48 July 1, 1992, the amendment would repeal the fee increases,
 return all license fees to their current level and return all
 50 funds appropriated under the bill from the department to the
 General Fund.