

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 98, L.D. 140, Bill, "An Act  
Concerning the Taking of Sea Urchins"

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,** more than 25,000,000 pounds of sea urchins having a  
landed value of nearly \$15,000,000 were harvested in coastal  
waters during 1992; and

**Whereas,** the weight and value of the State's sea urchin  
harvest has increased dramatically since 1987; and

**Whereas,** sea urchins are now one of the 4 highest valued  
fisheries in the State; and

**Whereas,** the health of a fishery and the maintenance of  
sustainable yields are primary goals of fisheries management; 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 §§6704 and 6705,** as enacted by PL 1991, c.  
591, Pt. T, §8, are repealed.

**COMMITTEE AMENDMENT**

A. of S.

Sec. 2. 12 MRSA c. 623, sub-c. II-C is enacted to read:

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SUBCHAPTER II-C

SEA URCHINS

Article 1

Licenses

§6748. Handfishing sea urchin license

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

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

3. Eligibility. A handfishing sea urchin license may be issued only to an individual and is a resident license.

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

§6748-A. Sea urchin boat license

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

2. Licensed activity. A boat licensed under this section may be used for dragging for sea urchins. The license also authorizes the captain and crew members aboard the licensed boat to drag for and possess, ship, transport and sell sea urchins.

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

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

§6748-B. Sea urchin boat tender license

1. License required. It is unlawful for a person to operate a boat as a platform for harvesting of sea urchins by hand unless that person is licensed under this section or section 6748.

2. Licensed activity. A person licensed under this section may operate a boat as a platform for the harvesting of

2 sea urchins by hand. A sea urchin boat tender license does not  
3 authorize the holder to harvest sea urchins.

4 3. Eligibility. A sea urchin boat tender license may be  
5 issued only to an individual and is a resident license.

6  
7 4. Fee. The fee for a sea urchin boat tender license is  
8 \$89.

10 **Article 2**

12 **Limits on Fishing**

14 **§6749. Sea urchin harvesting season**

16 It is unlawful for a person to fish for or take sea urchins  
17 from May 15th to August 15th, both days inclusive.

18 **§6749-A. Minimum size**

20 It is unlawful for a person to take, possess, ship,  
21 transport, buy or sell a sea urchin having a shell measuring less  
22 than 2 inches in the longest diameter, exclusive of spines. A  
23 violation of this section does not occur if a harvested sea  
24 urchin measuring less than 2 inches in the longest diameter is  
25 culled on board immediately after harvesting and is liberated  
26 alive into the marine waters.

28 **§6749-B. Sea urchins and lobsters; simultaneous possession or**  
29 **transport prohibited**

31 A person licensed under section 6748 to take sea urchins by  
32 hand may not simultaneously possess or transport sea urchins and  
33 lobsters aboard a registered vessel.

35 **§6749-C. Rules**

37 1. Importation and processing. The commissioner may adopt  
38 rules under this subchapter that require a sea urchins processor  
39 to maintain records sufficient to identify the point of origin of  
40 sea urchins received by that processor.

41 2. Fisheries management. The commissioner may adopt rules  
42 under chapter 607, subchapter I to promote the conservation and  
43 propagation of sea urchins. Those rules may include, but are not  
44 limited to, limits on size of drags used to take sea urchins,  
45 limits on the nighttime dragging of sea urchins and tolerance  
46 allowance for the harvesting of sea urchins less than 2 inches in  
47 the longest diameter.

48 3. Minimum size. Before January 1, 1994, the commissioner  
49 shall adopt rules establishing the method for determining whether  
50 sea urchins are less than 2 inches in the longest diameter.

2 a sea urchin measures less than 2 inches in the longest  
3 diameter. If necessary, the commissioner may use emergency  
4 rule-making authority under chapter 607, subchapter II to adopt  
5 rules under this subsection.

6 **Sec. 3. Limited closure in 1993.** Notwithstanding the Maine  
7 Revised Statutes, Title 12, section 6749, the closed sea urchin  
8 harvesting season in 1993 is from June 6, 1993 to August 7, 1993,  
9 both days inclusive. The closed sea urchin harvesting season for  
10 1994 and subsequent years is that season established in the Maine  
11 Revised Statutes, Title 12, section 6749.

12 **Sec. 4. Application; resident licenses.** The provision in the  
13 Maine Revised Statutes, Title 12, section 6748, establishing a  
14 handfishing sea urchin license as a resident license is  
15 applicable only to handfishing sea urchin licenses issued for  
16 calendar year 1994 and later. The residency provision in Title  
17 12, section 6748, subsection 3 does not void any handfishing sea  
18 urchin license issued for calendar year 1993 under Title 12,  
19 former section 6704.

20 **Emergency clause.** In view of the emergency cited in the  
21 preamble, this Act takes effect when approved.

24  
26 **FISCAL NOTE**

27 Limiting the various types of sea urchin licenses to  
28 residents only will decrease undedicated revenues to the General  
29 Fund collected by the Department of Marine Resources. The  
30 amounts can not be determined at this time.

31 The licensing requirement for sea urchin boat tenders will  
32 increase undedicated revenues to the General Fund collected by  
33 the Department of Marine Resources. The amounts can not be  
34 determined at this time.

35 This bill establishes several new Class D crimes. Sentences  
36 imposed for Class D offenses must be served in a county jail  
37 facility. The additional costs to the counties for housing each  
38 person sentenced under this new crime will require 90% funding by  
39 the State as a state mandate pursuant to the Constitution of  
40 Maine. The General Fund appropriations required to fund these  
41 costs can not be estimated at this time. The cost per sentence  
42 for a Class D crime is \$7,439 based upon an average length of  
43 stay of 119 days.

44 The Judicial Department may require additional General Fund  
45 appropriations to cover indigent defense costs related to these  
46 new cases. The amounts can not be estimated at this time. The  
47 additional workload and administrative costs associated with the  
48 minimal number of new cases filed in the court system can be

absorbed within the budgeted resources of the Judicial Department's administrative account. The collection of additional fines may also increase General Fund revenues by a minor amount.

The Department of Marine Resources will incur some minor additional costs to enforce the sea urchin fishing season and to adopt certain rules relating to sea urchins. These costs can be absorbed within the department's existing budgeted resources.'

### STATEMENT OF FACT

This amendment replaces the bill and makes the bill an emergency.

The amendment establishes a season on sea urchin harvesting. For 1993, urchin harvesting is prohibited from June 6th to August 7th, both days inclusive. For 1994 and subsequent years, urchin harvesting is prohibited from May 15th to August 15th, both days inclusive. The amendment also establishes a 2-inch minimum size for sea urchins and requires harvesters to cull their catch on board and immediately liberate undersized sea urchins alive to the marine waters.

The amendment also prohibits the simultaneous possession or transport of sea urchins and lobsters aboard a registered vessel by a person licensed to harvest sea urchins by hand. A handfishing sea urchin license issued after 1993 is established as a resident license and a resident sea urchin boat tender license is created for persons who use their boats as platforms for sea urchin divers but who do not themselves fish for sea urchins. Existing general rule-making powers of the Commissioner of Marine Resources are cited as the commissioner's authority to adopt rules regulating the sea urchin fishery, including regulations affecting drag size and nighttime dragging. This amendment authorizes the commissioner to adopt rules governing the importation and processing of sea urchins.

The amendment also adds a fiscal note to the bill.

Reported by the Committee on Marine Resources  
Reproduced and distributed under the direction of the Clerk of the House  
5/19/93 (Filing No. H-366)