

MAINE STATE LEGISLATURE

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R. d. S.

L.D. 1984

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DATE: 3/28/94

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

HOUSE AMENDMENT "B" to H.P. 1459, L.D. 1984, Bill, "An Act to Conserve Sea Urchin Resources"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 12 MRSA §6748-A, as enacted by PL 1993, c. 416, §2, is amended to read:

§6748-A. Sea urchin draggers 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 dragging 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 dragging license may be issued only to an individual and is a resident license.

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

Further amend the bill by striking out all of that part designated "~~§6749-O.~~" (page 2, lines 10 to 25 in L.D.) and inserting in its place the following:

§6749-O. Limited entry

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HOUSE AMENDMENT "B" to H.P. 1459, L.D. 1984

2 The commissioner may not issue a handfishing sea urchin
3 license or a sea urchin dragging license for calendar years 1994,
4 1995, 1996, 1997 or 1998 to any person unless that person
5 possessed that license in the previous calendar year.'

6 Further amend the bill in section 2 in that part designated
7 "~~§6749-P.~~" in the first paragraph in the 5th line (page 2, line
8 33 in L.D.) by striking out the following: "boat" and inserting
9 in its place the following: 'dragging'

10 Further amend the bill in section 2 in that part designated
11 "~~§6749-O.~~" by striking out all of subsection 2 (page 2, lines 46
12 and 47 in L.D.) and inserting in its place the following:

13 '2. Sea urchin dragging license. One hundred and sixty
14 dollars on a sea urchin dragging license;'

15 Further amend the bill in section 2 in that part designated
16 "~~§6749-S.~~" in the first paragraph in the 10th line (page 4, line
17 3 in L.D.) by inserting after the following: "data" the
18 following: 'except that any personnel and operating costs
19 associated with the log book must be paid from allocations from
20 the Sea Urchin Research Fund'

21 Further amend the bill by inserting after section 4 the
22 following:

23 '**Sec. 5. Allocation.** The following funds are allocated from
24 Other Special Revenue to carry out the purposes of this Act.

25 **1994-95**

26 **MARINE RESOURCES, DEPARTMENT OF**

27 **Bureau of Marine Science**

28	Positions	(0.5)
29	Personal Services	\$17,315
30	All Other	350,305
31	Capital Expenditures	30,000
32	TOTAL	<u>\$397,620</u>

33 Provides for the allocation of funds from
34 the Sea Urchin Research Fund to cover the
35 costs of research directly related to sea
36 urchin fishery management information needs
37 and the costs of one half-time Marine
38 Resources Specialist I position and general

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2 operating costs necessary to administer the
various sea urchin logbook requirements.

4 **Bureau of Marine Science**

6 All Other \$5,000

8 Provides for the allocation of funds to
10 cover the costs of developing sea urchin
logbooks.

12 **DEPARTMENT OF MARINE RESOURCES**
14 **TOTAL**

\$402,620'

16 Further amend the bill by renumbering the sections to read
consecutively.

18 Further amend the bill by inserting at the end before the
20 statement of fact the following:

22 **FISCAL NOTE**

24 **1994-95**

26 **APPROPRIATIONS/ALLOCATIONS**

28 Other Funds \$402,620

30 **REVENUES**

32 Other Funds \$402,620

34 This bill establishes the Sea Urchin Research Fund within
36 the Department of Marine Resources to be funded by the
establishment of certain license surcharges. The estimated
38 annual increase of dedicated revenue to the department is
\$397,620 beginning in fiscal year 1994-95. The department will
40 require allocations of \$397,620 annually beginning in fiscal year
1994-95 to authorize expenditures for research directly related
42 to sea urchin fishery management information needs and the costs
of one half-time Marine Resources Specialist I position and
44 general operating costs to administer and analyze sea urchin
buyer and processor logbook requirements.

46 The Department of Marine Resources will also require an
48 additional Other Special Revenue allocation of \$5,000 in fiscal
year 1994-95 for the costs of developing sea urchin buyer and
processor logbook requirements. The department is authorized to
50 recover certain costs associated with the logbook requirements

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2 through fees to those sea urchin buyers and processors who are
3 required to maintain logbooks, which will generate \$5,000 of
4 dedicated revenue beginning in fiscal year 1994-95.

5 The Department of Marine Resources will incur some minor
6 additional costs to enforce certain sea urchin fishing
7 limitations. These costs can be absorbed within the department's
8 existing budgeted resources.

10 This bill establishes a new Class D crime. Sentences
11 imposed for Class D offenses must be served in a county jail.
12 The average cost per sentence for a Class D crime is \$8,320 based
13 upon an average length of stay of 119 days. The additional costs
14 to the counties for the housing of each offender sentenced under
15 this new crime are not reimbursed by the State.

16 The Judicial Department may require additional General Fund
17 appropriations to cover indigent defense costs related to these
18 new cases. The amounts can not be estimated at this time. The
19 additional workload and administrative costs associated with the
20 minimal number of new cases filed in the court system can be
21 absorbed within the budgeted resources of the Judicial
22 Department's administrative account. The collection of
23 additional fines may also increase General Fund revenue by minor
24 amounts.

26
28 **STATEMENT OF FACT**

30 This amendment changes the name of a "sea urchin boat
31 license" to "sea urchin dragging license" for purposes of
32 clarification.

34 The amendment also strikes that part of the bill that
35 prohibited a person from participating in the sea urchin fishery
36 unless they had possessed a 1993 license or purchased their 1994
37 license before March 3, 1994. Under this amendment, a person not
38 previously licensed is allowed to purchase a 1994 license until
39 90 days after adjournment of the Second Regular Session of the
40 116th Legislature. Possession of a 1994 sea urchin dragging
41 license is a prerequisite for participation in the fishery during
42 the 4-year period of limited entry proposed in the bill.

44 The amendment also includes authorization for personnel and
45 operating costs associated with the logbook to be paid from
46 allocations from the Sea Urchin Research Fund. The amendment
47 also adds a fiscal note to the bill.

50 SPONSORED BY: James Mitchell
52 (Representative J. MITCHELL)

54 TOWN: Freeport

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