

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

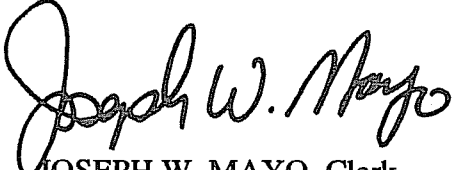
No. 1984

H.P. 1459

House of Representatives, March 25, 1994

An Act to Conserve Sea Urchin Resources.

Reported by the Majority from the Joint Standing Committee on Marine Resources pursuant to Joint Order H.P. 1373.


JOSEPH W. MAYO, Clerk

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6748-C is enacted to read:

§6748-C. Drags

Except as provided in this section, it is unlawful for any person to fish for or take sea urchins using a drag, or any combination of drags, in any coastal waters of the State.

1. Exception. The commissioner may adopt rules that allow the use of a drag that is designed to minimize impact on the benthic environment and harvested resources. Rules adopted by the commissioner under this section must describe the type of drag that may be used, including any limitations on type or size of drag components or limitations on the length or width of the drag.

Sec. 2. 12 MRSA c. 623, sub-c. II-C, art. 3 is enacted to read:

ARTICLE 3

EMERGENCY LIMITATIONS; SEA URCHIN FISHERY

§6749-N. Closed areas; 1995 to 1998

Notwithstanding section 6749, in calendar years 1995, 1996, 1997 and 1998, it is unlawful for a person to fish for or take sea urchins from:

1. Zone 1. Zone 1, from April 1st to August 15th. For the purposes of this article, "Zone 1" means all coastal waters west of a line beginning at the easternmost point of Fort Point State Park on Cape Jellison then running southwesterly to channel marker #1 south of Sears Island, then running southwesterly to channel marker W2 located between Marshall's Point and Bayside in the Town of Northport, then running southwesterly to channel marker #9 east of Great Spruce Head located in the Town of Northport, then running southerly to Graves channel marker northeast of the Town of Camden, then running southeasterly to the Penobscot Bay Buoy east of Rockland harbor, then running southerly to the TBl whistle southwest of Junken Ledge, then running southeasterly to Red Nun #10 buoy at Foster Ledges, then running due south to the boundary of the State's coastal waters; and

2. Zone 2. Zone 2, from May 15th to October 1st. For the purpose of this article, "Zone 2" means all coastal waters

2 east of that line established in subsection 1, including all
4 coastal waters of the Penobscot River north of Fort Point State
6 Park.

8 The commissioner shall report annually to the joint standing
10 committee of the Legislature having jurisdiction over marine
12 resource matters on the quantity and type of sea urchin licenses
14 sold in each zone in each year.

16 **§6749-O. Limited entry**

18 The commissioner may not issue a handfishing sea urchin
20 license or a sea urchin boat license to any person unless that
22 person:

24 1. Calendar year 1994. For calendar year 1994 licenses,
26 possessed that license in 1993;

28 2. Calendar year 1995. For calendar year 1995 licenses,
30 possessed that license in 1993 or filed an application for a 1994
32 license on or before March 3, 1994; and

34 3. Calendar years 1996, 1997 and 1998. For calendar years
36 1996, 1997 and 1998 licenses, possessed that license in the
38 previous calendar year.

40 **§6749-P. Licenses by zone**

42 For calendar years 1995, 1996, 1997 and 1998, a person
44 eligible to purchase a license under section 6749-O, may purchase
46 those licenses only for Zone 1 or Zone 2. All of those licenses
48 issued to any one person in any one year must be for the same
50 zone. A sea urchin boat license must list the documentation or
registration number of the vessel to be used by that licensee
when dragging. A vessel documentation number or registration
number may not be listed on more than one sea urchin boat license.

§6749-O. License surcharges

The following surcharges are assessed on licenses sold for
calendar years 1995, 1996 and 1997:

1. Hand fishing sea urchin license. One hundred and sixty
dollars on a sea urchin hand harvesting license;

2. Sea urchin boat license. One hundred and sixty dollars
on a sea urchin boat license;

3. Sea urchin boat tender's license. Thirty-five dollars
on a sea urchin boat tender's license;

2 4. Wholesale seafood license with a sea urchin buyer's
3 permit. Five hundred dollars on a wholesale seafood license with
4 a sea urchin buyer's permit; and

6 5. Wholesale seafood license with a sea urchin processor's
7 permit. Two thousand five hundred dollars on a wholesale seafood
8 license with a sea urchin processor's permit.

10 The commissioner shall deposit all surcharges assessed in this
11 section in the Sea Urchin Research Fund established in section
12 6749-R.

14 §6749-R. Sea Urchin Research Fund

16 The Sea Urchin Research Fund, referred to in this article as
17 the "fund," is established in the department. Balances in the
18 fund may not lapse and must be carried forward and used for the
19 purposes of this section.

20 1. Uses of the fund. The commissioner shall use the fund
21 for research directly related to sea urchin fishery management
22 information needs. The purpose of that research must be to
23 determine, with the highest reliability possible given available
24 resources, the greatest level of effort that may be applied to
25 the sea urchin fishery without harming the long-term economic and
26 biological sustainability of the sea urchin fishery.

28 2. Sources of revenue. The fund is capitalized by
29 surcharges assessed under section 6749-Q. In addition to those
30 revenues, the commissioner may accept and deposit in the fund
31 money from any other source, public or private. All money in the
32 fund must be used for the purposes set forth in this section.

34 3. Reports. The commissioner shall submit an interim and a
35 final report on expenditures from the fund and research findings
36 to the joint standing committee of the Legislature having
37 jurisdiction over marine resource matters. An interim report
38 must be submitted by July 1, 1996. A final report must be
39 submitted by January 1, 1998.

42 §6749-S. Log books for sea urchin buyers and processors

44 The commissioner shall adopt rules requiring any person
45 holding a wholesale seafood license with a sea urchin buyer's
46 permit or a wholesale seafood license with a sea urchin
47 processor's permit to maintain a log book. The rules must
48 indicate the type of data that must be recorded in the log book,
49 the manner for producing the log books and the method for
50 analyzing data from the log books. The commissioner shall charge

2 a fee for the log book that is sufficient to recover all costs
4 associated with the production of the log book and analysis of
6 the data. Fees received by the department from the sale of log
8 books are dedicated revenue and must be used by the department
10 for the purposes of this section. The log book and data analysis
12 may be produced and conducted by the department or may be
14 produced and conducted by a public or private entity under
16 contract with the department. Disclosure of any data collected
18 under this section is subject to the confidentiality provisions
20 of section 6173.

12 §6749-T. Repeal

14 This article is repealed on January 1, 1999.

16 Sec. 3. 12 MRSA §6851, sub-§§2-B and 2-C are enacted to read:

18 2-B. Wholesale seafood license with a sea urchin buyer's
20 permit. At the request of the applicant, the commissioner shall
22 issue a wholesale seafood license with a sea urchin buyer's
24 permit. A person holding a wholesale seafood license with a sea
26 urchin buyer's permit may engage in all the activities in
28 subsection 2 and may buy, sell, ship or transport whole sea
30 urchins. A license under this subsection does not authorize a
32 person to engage in the processing of sea urchins or to buy,
34 sell, ship or transport sea urchin parts.

28 2-C. Wholesale seafood license with a sea urchin
30 processor's permit. At the request of the applicant, the
32 commissioner shall issue a wholesale seafood license with a sea
34 urchin processor's permit. A person holding a wholesale seafood
36 license with a sea urchin processor's permit may engage in all
38 the activities in subsection 2 and may buy, sell, process, ship
40 or transport whole sea urchins or sea urchin parts.

36 Sec. 4. 12 MRSA §6851, sub-§6, ¶A, as repealed and replaced by
38 PL 1991, c. 784, §8, is amended to read:

40 A. Two hundred seventeen dollars for a wholesale seafood
42 license or a wholesale seafood license with a lobster
44 permit, sea urchin buyer's permit or sea urchin processor's
46 permit; and

46 **STATEMENT OF FACT**

48 This bill is the majority report of the Joint Standing
50 Committee on Marine Resources. The bill is reported pursuant to
Joint Order H.P. 1373.

2 The bill prohibits the use of drags for harvesting sea
3 urchins except for drags that conform to specific design
4 requirements that are defined in rules adopted by the Department
5 of Marine Resources and that minimize the impact of the drag on
6 the ocean bottom.

8 The bill also enacts emergency measures to limit the effort
9 being applied to the coastal sea urchin fishery for 4 years in
10 order to allow research and basic stock assessments to occur.

12 During the 4 years the bill is in effect, the coast will be
13 divided into 2 urchin fishing zones, each zone having its own
14 closed period. Sea urchin licenses will be limited during those
15 years to people already in the sea urchin fishery. Surcharges on
16 sea urchin licenses will be deposited in a fund for the purposes
17 of basic sea urchin research.

18 The bill also allows the Commissioner of Marine Resources to
19 adopt rules requiring the use of log books to collect information
20 on the magnitude and location of sea urchin harvesting.