

MAINE STATE LEGISLATURE

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DATE: June 19, 1995 (Filing No. S- 294)

MARINE RESOURCES

Reported by: The Minority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " B " to S.P. 337, L.D. 918, Bill, "An Act to Ensure a Sustainable Urchin Fishery in the State and to Promote Competition in the Maine Sea Urchin Processing Industry"

Amend the bill by striking out the title and substituting the following:

'An Act to Ensure a Sustainable Urchin Fishery in the State'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 12 MRSA §6533, as enacted by PL 1993, c. 604, §1, is amended to read:

§6533. Training required for tender's license

The commissioner may not issue a sea urchin beat and scallop diving tender license under section ~~6748-B~~ 6535 to any person for calendar year 1995 or later unless that person has attended a safety training session offered under this section.

1. Tender safety training session. ~~By August 15, 1994, the~~ The commissioner shall establish a boat tender safety training session to provide basic safety training for persons who seek to obtain a sea urchin beat and scallop diving tender license. The training session may be taught by the department or offered by any public or private sector association or organization authorized by the commissioner to offer the training session. At a minimum, the training session must familiarize participants with basic cardiovascular pulmonary resuscitation techniques and risk factors, including hypothermia, associated with the handharvesting of sea urchins and scallops. For any training

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2 session taught by the department, the commissioner shall charge a
3 fee for that session to recover all costs incurred by the
4 department in teaching the training session.

6 2. Allowance for waivers. The commissioner may waive the
7 requirement to attend a training session offered under this
8 section for any person who demonstrates to the commissioner,
9 either through documented experience or technical or professional
10 accreditation, a level of knowledge at least equal to that
11 expected from a person who completed the session. It is the
12 responsibility of the person seeking such a waiver to request
13 that waiver in writing to the commissioner and to provide the
14 commissioner with any documentation the commissioner determines
15 necessary to make a decision.

16 Sec. 2. 12 MRSA §6535 is enacted to read:

18 §6535. Sea urchin and scallop diving tender license

20 1. License required. It is unlawful for a person to
21 operate a boat as a platform for the harvesting of sea urchins
22 and scallops by hand, to act as a diving tender on a boat or to
23 possess, strip, transport or sell scallops or sea urchins unless
24 that person is licensed under this section, section 6701 or
25 section 6748.

26 2. Licensed activity. A person licensed under this section
27 may tend divers and operate a boat as a platform for the
28 harvesting of sea urchins and scallops by hand and may possess,
29 ship, transport and sell sea urchins and scallops. A sea urchin
30 and scallop diving tender license does not authorize the holder
31 to harvest sea urchins and scallops.

34 3. Eligibility. A sea urchin and scallop diving tender
35 license may be issued only to an individual and is a resident
36 license.

38 4. Fee. The fee for a sea urchin and scallop diving tender
39 license is \$89.

40 5. Prima facie evidence. The failure of at least one
41 person on board the boat operated as a platform during periods of
42 diving to harvest scallops or sea urchins to have a license
43 issued under section 6701 or 6748 is prima facie evidence of a
44 violation of this section.

46 Sec. 3. 12 MRSA §6748-B, as enacted by PL 1993, c. 416, §2,
47 is repealed.

50 Sec. 4. 12 MRSA §6748-D is enacted to read:

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2 **§6748-D. Sea urchin hand-raking and trapping license**

4 **1. License required.** It is unlawful for a person to engage
6 in the activities authorized under this section without a current
sea urchin hand-raking and trapping license.

8 **2. Licensed activity.** The holder of a sea urchin
10 hand-raking and trapping license may take sea urchins by
hand-raking or by trap and may possess, ship, transport or sell
12 sea urchins taken by that licensee.

14 **3. Eligibility.** A sea urchin hand-raking and trapping
16 license may be issued only to an individual and is a resident
license.

18 **4. Fee.** The fee for a sea urchin hand-raking and trapping
license is \$89.

20 **Sec. 5. 12 MRSA §6749,** as enacted by PL 1993, c. 416, §2, is
22 repealed.

24 **Sec. 6. 12 MRSA §6749-N,** as amended by PL 1995, c. 198, §1,
is further amended to read:

26 **§6749-N. Zones; 1995 to 1998**

28 ~~Notwithstanding section 6749, in~~ The following sea urchin
30 harvesting zones are in effect for calendar years 1995, 1996,
~~1997 and 1998, it is unlawful for a person to fish for or take~~
32 ~~sea urchins from.~~

34 **1. Zone 1.** ~~Zone 1, from April 1st to August 15th.~~ For the
36 purposes of this article, "Zone 1" means all coastal waters west
38 of a line beginning at the easternmost point of Fort Point State
40 Park on Cape Jellison then running southwesterly to channel
42 marker #1 south of Sears Island, then running southwesterly to
44 channel marker BW "11" located between Marshall's Point and
46 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 magnetic to the boundary of the State's coastal
waters; and,

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

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

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

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

14 Sec. 7. 12 MRSA §6749-0, as enacted by PL 1993, c. 740, §3, is repealed and the following enacted in its place:

16 **§6749-0. Limited entry; exceptions**

18 1. Handfishing and dragging licenses. The commissioner may not issue a handfishing sea urchin license or a sea urchin dragging license for calendar year 1994, 1995, 1996, 1997 or 1998 to any person unless that person possessed that license in the previous calendar year.

24 2. Hand-raking and trapping license. The commissioner may not issue a sea urchin hand-raking and trapping license for calendar year 1995 or 1996 to any person unless that person possessed either a handfishing sea urchin license or a sea urchin dragging license in the previous calendar year. The commissioner may not issue a sea urchin hand-raking and trapping license for calendar year 1997 or 1998 to any person unless that person possessed a sea urchin hand-raking and trapping license in the previous calendar year.

34 3. Exceptions. The commissioner may grant a license under this section to a person who was licensed to harvest sea urchins in the year prior to the previous calendar year but did not possess a license in the previous calendar year due to physical injury or other medical condition. The person must provide the commissioner with documentation from a physician describing the physical injury or other medical condition.

42 4. License transfer. The commissioner may transfer the license of a deceased holder of a license issued under this section to a member of the deceased license holder's family. For the purposes of this subsection, "member of the deceased license holder's family" means a deceased license holder's child by birth or adoption, stepchild or spouse.

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2 **Sec. 8. 12 MRSA §6749-P and §6749-Q**, as enacted by PL 1993,
c. 740, §3, are amended to read:

4 **§6749-P. Licenses by zone**

6 For calendar years 1995, 1996, 1997 and 1998, a person
eligible to purchase a license under section 6749-O, may purchase
8 those licenses only for Zone 1 or Zone 2. All of those licenses
issued to any one person in any one year must be for the same
10 zone. A handfishing sea urchin license, a sea urchin hand-raking
and trapping license or a sea urchin dragging license authorizes
12 the licensed activity only in the zone for which it is issued. A
sea urchin dragging license must list the documentation or
14 registration number of the vessel to be used by that licensee
when dragging. A vessel documentation number or registration
16 number may not be listed on more than one sea urchin boat license.

18 **§6749-Q. License surcharges**

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

22 **1. Handfishing sea urchin license.** One hundred and sixty
24 dollars on a sea urchin hand-harvesting handharvesting license;

26 **1-A. Sea urchin hand-raking and trapping license.** One
28 hundred and sixty dollars on a sea urchin hand-raking and
trapping license;

30 **2. Sea urchin dragging license.** One hundred and sixty
dollars on a sea urchin dragging license;

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

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

40 **5. Wholesale seafood license with a sea urchin processor's
42 permit.** Two thousand five hundred dollars on a wholesale seafood
license with a sea urchin processor's permit.

44 ~~The commissioner shall deposit all surcharges assessed in this
46 section in the Sea Urchin Research Fund established in section
6749-R.~~

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

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STATEMENT OF FACT

The amendment replaces the bill and makes the following additions and changes to the sea urchin laws.

1. It enacts requirements that scallop diver tenders be licensed and complete the same safety training as is required of sea urchin divers.

2. It enacts a license for sea urchin hand-raking and trapping.

3. It repeals the dates during which both sea urchin zones are closed.

4. It repeals the closing dates in Zones 1 and 2.

5. It enacts an exception to the sea urchin limited entry provisions that allows the Commissioner of Marine Resources to grant a sea urchin license to a person who was licensed to harvest sea urchins in the year prior to the previous calendar year but did not possess a license in the previous calendar year due to physical injury or any other medically related reason. The person must provide the commissioner with documentation from a physician describing the physical injury or any other medically related reason.

6. It enacts a provision that allows the Commissioner of Marine Resources to transfer the license of a deceased license holder to a member of the deceased license holder's family.

7. It clarifies that a person who holds a sea urchin license may fish only in the zone for which the license is issued.

8. It requires the Commissioner of Marine Resources to report by February 1, 1996 on the feasibility of administering a roe-yield standard as a means of conserving Maine's sea urchin resource.

9. It adds a fiscal note to the bill and amends the bill's title.

This amendment is the minority report of the committee.