

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 918

S.P. 337

In Senate, March 21, 1995

**An Act to Ensure a Sustainable Urchin Fishery in the State and to
Promote Competition in the Maine Sea Urchin Processing Industry.**

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator RAND of Cumberland.

Cosponsored by Senators: ABROMSON of Cumberland, BEGLEY of Lincoln, BUTLAND of Cumberland, HARRIMAN of Cumberland, PINGREE of Knox, Representatives: ADAMS of Portland, CLOUTIER of South Portland, DAVIDSON of Brunswick, SAXL of Portland.

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

2 **Sec. 1. 12 MRSA §6749-Q**, as enacted by PL 1993, c. 740, §3,
4 is amended to read:

6 **§6749-Q. License surcharges**

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

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

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

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

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

24 **5. Wholesale seafood license with a sea urchin processor's
26 permit.** Two thousand five hundred dollars on a wholesale seafood
license with a sea urchin processor's permit; and

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

32 **6. Sea urchin processor's supplemental permit.** Two hundred
34 fifty dollars on a wholesale sea urchin processor's supplemental
permit.

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

40 **Sec. 2. 12 MRSA §6749-S**, as enacted by PL 1993, c. 740, §3,
42 is repealed and the following enacted in its place:

44 **§6749-S. Log books for sea urchin buyers and processors**

46 **1. Records; yield restrictions.** Persons holding a
wholesale seafood license with a sea urchin processor's permit
48 shall:

50 A. Refrain from purchasing, processing, selling, shipping
or transporting outside of state limits any sea urchins with

2 a total urchin roe yield of less than 10% with a 2%
tolerance by volume;

4 B. Maintain a log book in their place of business at all
times documenting the following mandatory information for
6 each lot of sea urchins purchased from individual harvesters:

8 (1) The harvester's harvesting or dragging license
number;

10 (2) The harvester's social security number;

12 (3) The total pounds by lot;

14 (4) The location of harvest by bay;

16 (5) The total pounds yield test sample no less than 10
18 pounds per diver lot or 1,000 pounds per driver lot,
whichever is greater;

20 (6) The total urchin roe yield;

22 (7) The date of harvest and yield test; and

24 (8) The sea urchin processor's or buyer's license
26 number;

28 C. Attach a photocopy of the corresponding log pages to the
bill of lading for each shipment leaving the State for
30 processing or packaging;

32 D. Clearly label all processed or packaged products with
the sea urchin processor's license number; and

34 E. Submit a copy of each log sheet documenting each
36 shipment of either whole urchins or processed urchin roe to
the department on a monthly basis by the 15th day of the
38 month following the reporting period.

40 Any person in possession of a shipment of either whole urchins or
processed urchin roe without the requisite documentation required
42 by paragraphs C and D is in violation of this law and, therefore,
subject to the penalties described in subsection 2.

44 The log must be signed by the principal holder of the processing
46 permit or by a person authorized, in writing, to do so by the
principal holder.

48 **2. Penalty: license revocation; suspension.**
50 Notwithstanding the provisions of Title 17-A, section 4-B, a

2 person who fails to comply with any requirement contained in this
3 section commits a crime, punishable by:

4 A. For the first offense, a fine of not less than \$300 and
5 not more than \$1,500; and

6 B. For subsequent offenses, a fine of not less than \$500
7 and not more than \$1,500.

10 The court may not suspend a fine imposed under this section. The
11 department may either suspend or revoke the person's license.

12 **Sec. 3. Report.** The commissioner shall collect and analyze
14 the information submitted in the reports and shall submit
15 research findings based on this collection and analysis to the
16 joint standing committee of the Legislature having jurisdiction
17 over marine resource matters. An interim report must be
18 submitted by July 1, 1996 in conjunction with the department's
19 report on the Sea Urchin Research Fund. A final report must be
20 submitted by January 1, 1998 in conjunction with the department's
21 final report on the Sea Urchin Research Fund. Disclosure of any
22 data collected under this section is subject to the
23 confidentiality provisions of the Maine Revised Statutes, Title
24 12, section 6173.

26
28
30 **STATEMENT OF FACT**

32 This bill imposes a temporary surcharge on a sea urchin
33 processor's supplemental permit.

34 In addition, this bill establishes a total urchin roe yield
36 standard for the industry in order to preserve a sustainable
37 resource of immature sea urchins and institutes a log book
38 mechanism by which the Department of Marine Resources can enforce
39 the yield standard and develop a data base of information
40 documenting the amount of urchins harvested, from where, and by
41 whom and report back to the Legislature their findings along with
42 their report on the Sea Urchin Research Fund.