# MAINE STATE LEGISLATURE

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## 117th MAINE LEGISLATURE

### FIRST REGULAR SESSION-1995

Legislative Document

No. 1380

H.P. 971

House of Representatives, April 19, 1995

An Act to Strengthen the Sea Urchin Tender License.

Submitted by the Department of Marine Resources pursuant to Joint Rule 24. Received by the Clerk of the House on April 14, 1995. Referred to the Committee on Marine Resources and ordered printed pursuant to Joint Rule 14.

OSEPH W. MAYO, Clerk

Presented by Representative CLOUTIER of South Portland. Cosponsored by Senator: GOLDTHWAIT of Hancock.

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

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.

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- Tender safety training session. By August 15, 1994, 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. training session may be taught by the department or offered by public or private sector association or organization authorized by the commissioner to offer the training session. a minimum, the training session must familiarize participants with basic cardiovascular pulmonary resuscitation techniques and including hypothermia, associated with factors, handharvesting of sea urchins and scallops. For any training session taught by the department, the commissioner shall charge a fee for that session to recover all costs incurred by the department in teaching the training session.
- Allowance for waivers. The commissioner may waive the requirement to attend a training session offered under this section for any person who demonstrates to the commissioner, either through documented experience or technical or professional accreditation, a level of knowledge at least equal to that expected from a person who completed the session. It is the responsibility of the person seeking such a waiver to request that waiver in writing to the commissioner and to provide the commissioner with any documentation the commissioner determines necessary to make a decision.

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- Sec. 2. 12 MRSA §6748-B, as enacted by PL 1993, c. 416, §2, is repealed.
  - Sec. 3. 12 MRSA §6535 is enacted to read:

#### §6535. Sea urchin and scallop diving tender license

1. License required. It is unlawful for a person to 46 operate a boat as a platform for the harvesting of sea urchins and scallops by hand, to act as a diving tender on a boat or to 48 possess, strip, transport or sell scallops or sea urchins unless that person is licensed under this section, section 6748 or 50 section 6701.

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- 2. Licensed activity. A person licensed under this section
  may tend divers and operate a boat as a platform for the harvesting of sea urchins and scallops by hand and may possess,
  ship, transport and sell sea urchins and scallops. A sea urchin and scallop diving tender license does not authorize the holder to harvest sea urchins and scallops.
- 8 3. Eligibility. A sea urchin and scallop diving tender license may be issued only to an individual and is a resident license.
- 12 **4. Fee.** The fee for a sea urchin and scallop diving tender license is \$89.

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

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#### STATEMENT OF FACT

Current law provides for a sea urchin boat tender license.
Holders of this license are required to take a safety course in
order to have the skills to help a diver in trouble. There is no
similar requirement for scallop diving boat tenders. Commercial
scallop divers are also required to take a safety course. This
bill stipulates that individuals who operate boats as tenders to
scallopers must meet the same level of training as those in the
sea urchin fishery.

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Under current practice, tenders may sell urchins or scallops
in their possession. Possession, sale and transport of sea
urchins under this license is not provided for under current
law. This bill provides that holders of this license may also
sell, transport, possess and ship sea urchins and scallops.