

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1727

S.P. 667

In Senate, January 23, 1996

An Act Concerning Special Licenses in the Department of Marine Resources.

Submitted by the Department of Marine Resources pursuant to Joint Rule 24.
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 President BUTLAND of Cumberland.
Cosponsored by Representative: CLOUTIER of South Portland.

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

4 **Sec. 1. 12 MRSA §6074, first ¶**, as amended by PL 1989, c. 204,
5 §1, is further amended to read:

6 The commissioner may, with the advice and consent of the
7 advisory council, issue a special license for research,
8 aquaculture or education, ~~which~~ that exempts the holder from one
9 or more marine resources' laws as to the time, place, length,
10 condition, amount and manner of taking or possessing any a marine
11 organism. Special licenses issued by the commissioner to
12 employees of the department when they are acting in their
13 capacity as employees under the direction of the commissioner or
14 the commissioner's designated representative do not require the
15 advice and consent of the advisory council. Special licenses
16 issued for purposes of aquaria, municipal shellfish programs,
17 festivals or public service activities do not require the advice
18 and consent of the advisory council.

19 **Sec. 2. 12 MRSA §6623, sub-§2**, as repealed and replaced by PL
20 1985, c. 255, is amended to read:

21 **2. Special license for dredging.** The commissioner may
22 issue a special license, acting in accordance with the procedures
23 set forth in section 6074, subsections 1 to 6, to operate a
24 hydraulic or mechanical soft-shell clam dredge for educational or
25 scientific purposes, or for use on an aquaculture lease site ~~or~~
26 ~~for municipal transplanting projects.~~ The dredge shall may not
27 be used for commercial soft-shell clam harvesting except as
28 authorized in this subsection. The dredge design and proposed
29 operation shall must be approved by the commissioner. The
30 operation of the dredge shall may not interfere with commercial
31 digging and shall may not be used for taking marine worms,
32 lobsters or other crustaceans.
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35 **STATEMENT OF FACT**

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38 The Department of Marine Resources receives requests to hold
39 lobsters in school aquaria, to haul lobster gear during the
40 Sunday closure at summer festivals or, by way of example, to
41 possess clams in a closed area as a part of a public service
42 project. Current law requires that projects of this nature when
43 a marine resources law or regulation would be violated need the
44 advise and consent of the department advisory council. This bill
45 provides that these kinds of project do not require review by the
46 advisory council but do require review and specific authorization
47 by the commissioner.
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