

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 409

S.P. 130

In Senate, January 23, 1997

An Act Concerning Commercial Marine Fishing Licenses.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representative ETNIER of Harpswell.

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

4 **Sec. 1. 12 MRSA §6302**, as enacted by PL 1977, c. 661, §5, is amended to read:

6 **§6302. General exceptions**

8 Notwithstanding any licensing provision, ~~no~~ a license or certificate shall-be is not required to:

10 1. **Personal use.** Possess or transport any marine organism which that has been lawfully acquired and is for personal use. A receipt or bill of sale shall--be is required for lawful acquisition;

12 2. **Common carrier.** Carry any marine organism by a common carrier; ~~or~~

14 3. **Hermetically sealed containers.** Buy, sell, ship or transport within or beyond the state limits or possess any marine organism which that is in a hermetically sealed container; ~~or~~

16 4. **Preprocessed seafood product.** Sell at retail prepared seafood products authorized under section 6852 that have been manufactured and distributed by the holder of a license issued under section 6851.

18 **Sec. 2. 12 MRSA §6501, sub-§6**, as amended by PL 1995, c. 536, Pt. A, §6, is further amended to read:

20 6. **Definition.** For the purposes of this chapter, "fish" means all marine finfish, and squid ~~and shrimp~~ or other marine animals, except lobsters, crabs, shellfish, scallops, marine worms, elvers, ~~or~~ eels and shrimp.

22 **Sec. 3. 12 MRSA §§6505-E and 6505-F** are enacted to read:

24 **§6505-E. Shrimp license**

26 1. **License required.** It is unlawful for a person to engage in the activities authorized by a license under this section without a current commercial shrimp license.

28 2. **Licensed activity.** The holder of a commercial shrimp license may fish for or take shrimp or possess, ship, transport or sell shrimp that the license holder has taken. The license authorizes crew members aboard the licensee's boat when it is engaged in commercial shrimp fishing to undertake these activities.

30 3. **Eligibility.** A commercial shrimp license may be issued only to an individual.

2 4. Fees. Fees for commercial shrimp licenses are:

4 A. Thirty-three dollars for a resident operator;

6 B. Eighty-nine dollars for a resident operator and all crew
members; and

8 C. Three hundred and thirty-four dollars for a nonresident
operator and all crew members.

10 5. Disposition of fees. All fees collected under this
12 section accrue to the Shrimp Research Fund established in section
14 6505-F.

16 §6505-F. Shrimp Research Fund

18 1. Fund established. The Shrimp Research Fund, referred to
in this section as the "fund," is established as a dedicated,
20 nonlapsing fund.

22 2. Purposes of the fund. The commissioner shall use the
fund for research related to management of the shrimp fishery.

24 3. Sources of revenue. In addition to the fees collected
26 under section 6505-E, the fund may receive money from any source
for the purposes described in subsection 2.

28 Sec. 4. 12 MRSA §6601, sub-§2, as amended by PL 1989, c. 348,
30 §5, is further amended to read:

32 2. Licensed activities. The holder of a shellfish license
may fish for or take shellfish or possess, ship or transport
34 within the state limits or sell shellstock the holder has taken
to a holder of a wholesale seafood license certified under
36 section 6856. Shellfish or shellstock may be sold to the final
consumer and may not be resold. The holder may also shuck, in the
38 holder's home, shellfish the holder has taken and sell those
shucked shellfish from that home in the retail trade. This
40 license shall does not authorize the holder to fish for or take
shellfish in violation of a municipal ordinance adopted pursuant
42 to section 6671.

44 Sec. 5. 12 MRSA §6671, sub-§3-A, ¶A, as amended by PL 1993, c.
456, §1, is further amended to read:

46 A. ~~A person is not required to hold a shellfish license~~
48 ~~issued by the commissioner under section 6601 in order to~~
~~obtain a municipal commercial license. A municipality may~~
50 ~~not issue a municipal commercial shellfish license to a~~
~~person unless that person possesses a commercial shellfish~~

2 license issued under section 6601. A municipality may issue
3 licenses under this section regardless of whether or not the
4 area has been closed by the commissioner. A person taking
5 shellfish from a closed area for depuration under a
6 depuration certificate issued by the commissioner is not
7 required to hold a municipal shellfish license.

8 9 SUMMARY

10
11 This bill provides that a retailer who is selling any marine
12 species in a preprocessed form that was manufactured by the
13 holder of a wholesale seafood license is not required to hold a
14 retail seafood license for the sale of that product.

15
16 The bill removes shrimp from the definition of "fish."

17
18 It provides that the holder of a commercial shellfish
19 license may sell shellfish that person has taken only to a
20 seafood dealer who is certified as a shellfish dealer or to the
21 final consumer.

22
23 This bill also establishes a shrimp harvesting license, and
24 it establishes the Shrimp Research Fund, a dedicated fund
25 capitalized through commercial shrimp fishing license revenues.

26
27 The bill provides that a commercial shellfish harvester not
28 licensed by the State may apply to a town for a municipal license
29 but that a municipal commercial shellfish license may not be
30 issued unless that applicant possesses a state commercial
shellfish license.