

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

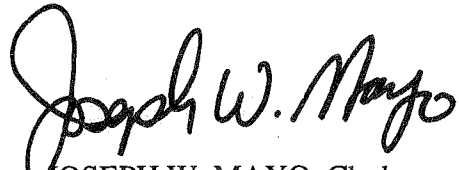
No. 540

H.P. 395

House of Representatives, January 28, 1997

An Act to Correct Certain Errors and Inconsistencies in Marine Resources Laws.

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


JOSEPH W. MAYO, Clerk

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

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

2
3 **Sec. 1. 12 MRSA §6431-A, sub-§§1 and 2**, as enacted by PL 1995,
4 c. 468, §5, are amended to read:

6 **1. Limit.** Except as provided in subsection 2, it is
7 unlawful for the holder of a Class I, Class II or Class III
8 license issued under section 6421 to have submerge more than
9 1,200 traps ~~submerged-in-the-coastal-waters-of-the-State~~.

10 **2. Trap limit exception.** The holder of a Class I, Class II
11 or Class III license issued under section 6421 who documents to
12 the commissioner that the license holder had submerged an average
13 of more than 1,200 traps ~~submerged-in-the-coastal-waters-of-the~~
14 ~~State~~ in calendar year 1994 and calendar year 1995 has until
15 March 1, 2003 to reduce that average number of traps to 1,200 or
16 less. At a minimum, the license holder must divide the average
17 number of submerged traps in excess of 1,200 by the number 7 and,
18 starting in calendar year 1996, annually reduce the number of
19 traps by the resulting number.

22 **Sec. 2. 12 MRSA §6431-D, sub-§1**, as enacted by PL 1995, c.
23 468, §5, is amended to read:

24 **1. Boat limit.** Except as provided in subsection 2, it is
25 unlawful to tend more than 1,200 traps from a boat ~~in-the-coastal~~
26 ~~waters-of-the-State~~.

28 **Sec. 3. 12 MRSA §6431-D, sub-§2**, as amended by PL 1995, c.
29 568, §3, is further amended to read:

32 **2. Exception.** Two or more holders of Class I, Class II or
33 Class III licenses issued under section 6421 who harvest lobsters
34 from the same boat may collectively tend more than 1,200 traps
35 from that boat if the license holders:

36 A. Document to the commissioner the average number of traps
37 the license holders fished from the boat ~~in-the-coastal~~
38 ~~waters-of-the-State~~ in calendar year 1994 and calendar year
39 1995 and that average number exceeds 1,200.

42 (1) When license holders qualify under this paragraph,
43 the trap limit for the boat in calendar year 1996 is
44 the average number of traps the license holders fished
45 from the boat ~~in-the-coastal-waters-of-the-State~~ in
46 calendar year 1994 and calendar year 1995. The number
47 of traps fished from the boat must be reduced to 1,200
48 or less by March 1, 2003. The commissioner may
49 determine by rule a method for proportionally reducing
50 the number of traps fished from a boat; or

2 B. Document to the commissioner that the license holders
3 fished an average of more than 1,200 traps from a boat in
4 ~~the coastal waters of the State~~ in calendar year 1994 and
5 calendar year 1995 and are family members. For the purposes
6 of this paragraph, being "family members" means that one
7 license holder on the boat must be related to each of the
8 license holders on the boat as either a spouse, sibling,
9 parent by blood, parent by adoption, child by blood, child
10 by adoption, stepchild, stepparent, grandchild or
11 grandparent.

12 (1) When license holders qualify under this paragraph,
13 the trap limit for the boat is the product of 1,200
14 multiplied by the number of license holders who are
15 family members documented under this paragraph who
16 continue to harvest lobsters from the boat in calendar
17 year 1996 and consecutive calendar years thereafter. A
18 license holder who is a family member documented under
19 this paragraph and who does not harvest lobsters from
20 the boat in calendar year 1996 or any subsequent
21 calendar year may harvest lobsters from the boat as
22 long as the total number of traps fished from the boat
23 does not exceed 1,200.

24
25
26 **Sec. 4. 12 MRSA §6451, sub-§1**, as amended by PL 1989, c. 455,
27 §3, is further amended to read:

28
29 **1. Allocation of license fees.** Ten dollars of each ~~\$53~~ \$93
30 fee, ~~\$20~~ of each ~~\$186~~ fee, ~~\$30~~ of each ~~\$159~~ \$279 fee and \$5 of
31 each ~~\$26~~ \$46 fee for each lobster and crab fishing license shall
32 must be allocated to the Lobster Fund, which shall must be used
33 for the purposes of lobster biology research, of propagation of
34 lobsters by liberating seed lobsters and female lobsters in Maine
35 coastal waters and of establishing and supporting lobster
36 hatcheries.

37
38 **Sec. 5. 12 MRSA §6501, sub-§6**, as amended by PL 1995, c. 536,
39 Pt. A, §6, is further amended to read:

40
41 **6. Definition.** For the purposes of this chapter, "fish"
42 means all marine finfish, squid and shrimp or other marine
43 animals, except lobsters, crabs, sea urchins, shellfish,
44 scallops, marine worms, elvers or eels.

45
46 **Sec. 6. 12 MRSA §6535, sub-§§1 and 2**, as amended by PL 1995, c.
47 530, §1, are further amended to read:

48
49 **1. License required.** It is unlawful for a person to
50 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 engaged

2 as a platform for the harvesting of sea urchins and scallops by
hand or to possess, ~~strip~~ ship, transport or sell scallops or sea
4 urchins unless that person is licensed under this section,
section 6701 or section 6748.

6 **2. Licensed activity.** A person licensed under this section
may tend divers who harvest sea urchins and scallops by hand and
8 operate a boat as a platform for the harvesting of sea urchins
and scallops by hand and may possess, ship, transport and sell
10 sea urchins and scallops harvested by licensed harvesters the
tender has tended. A sea urchin and scallop diving tender
12 license does not authorize the holder to harvest sea urchins and
scallops.

14 **Sec. 7. 12 MRSA §6536, sub-§2**, as enacted by PL 1995, c. 530,
16 §2, is amended to read:

18 **2. Licensed activity.** A person licensed under this section
may tend divers who harvest scallops by hand and operate a boat
20 as a platform for the harvesting of scallops by hand and may
possess, ship, transport and sell scallops harvested by licensed
22 harvesters the tender has tended. A scallop diving tender
license does not authorize the holder to harvest scallops.

24 **Sec. 8. 12 MRSA §6851**, as amended by PL 1993, c. 740, §§4 and
26 5, is further amended by amending the headnote to read:

28 **§6851. Wholesale seafood license; wholesale seafood license with**
lobster permit; wholesale seafood license with urchin
30 **permit**

32 **Sec. 9. 12 MRSA §6851, sub-§2, ¶A**, as amended by PL 1991, c.
523, §3, is further amended to read:

34 A. Within or beyond the state limits, buy, sell, process,
36 ship or transport any marine species or their parts, except
lobsters and sea urchins;

40 SUMMARY

42 This bill corrects an outdated reference to the cost of
lobster and crab fishing licenses.

44 It removes sea urchins from the definition of "fish" as it
46 applies to a commercial fishing license because sea urchins are
licensed through a specific sea urchin license.

48 It makes a technical correction. It also provides that the
50 holder of a sea urchin and scallop tender license may possess,
sell, transport and ship only sea urchins and scallops that were
52 harvested by harvesters for whom the license holder has tended.

2 It provides that the holder of a scallop tender license may
possess, sell, transport or ship only scallops that were
4 harvested by harvesters for whom the license holder has tended.

6 It removes reference to coastal waters with regard to where
trap limits apply.

8