

MAINE STATE LEGISLATURE

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DATE: 3-23-98

(Filing No. H-1026)

MAJORITY
MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1547, L.D. 2176, Bill, "An Act Concerning Sea Urchin Management"

Amend the bill by striking out all of section 3 and inserting in its place the following:

Sec. 3. 12 MRSA §6749-O, sub-§§2-A and 2-B are enacted to read:

2-A. License eligibility. The commissioner may not issue a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license to any person for calendar year 1999, 2000 or 2001 unless that person possessed that license in the previous calendar year or becomes eligible to obtain that license pursuant to a lottery under subsection 2-B.

2-B. Sea urchin license lottery. The commissioner shall establish by rule a lottery system under which a person who did not hold a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license in the previous calendar year may become eligible to obtain that license in calendar year 1999, 2000 or 2001 for use in a zone established pursuant to section 6749-N. The rules for a lottery system must include provisions for the method and administration of a lottery. The rules may include provisions for a method under which a person may submit more than one entry in a lottery based on the prior calendar years a person held a license that qualify that person for a lottery. Rules adopted pursuant to this

COMMITTEE AMENDMENT

subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

A. Pursuant to section 6749-P, all licenses issued to a person in a calendar year must be for use in the same zone.

B. A person may not enter more than one license lottery during a calendar year.

C. A person is eligible to enter a lottery for a handfishing sea urchin license and a sea urchin hand-raking and trapping license if that person held in the previous calendar year a sea urchin and scallop diving tender license issued under section 6535 that was valid for more than 30 days or if that person held in the previous calendar year a handfishing scallop license issued under section 6701.

D. A person is eligible to enter a lottery for a sea urchin dragging license if that person held in the previous calendar year a commercial fishing license issued under section 6501, a scallop boat license issued under section 6702, a mahogany quahog license issued under section 6731 or a mussel boat license issued under section 6746.

E. Except as provided in paragraph F, the number of persons awarded eligibility in a lottery for a handfishing sea urchin license, a sea urchin hand-raking and trapping license or a sea urchin dragging license in a zone must be in accordance with the exit ratio for that license in that zone. For the purposes of this paragraph, "exit ratio" means that one person may be awarded eligibility in a license lottery for every 5 persons who held that license in the year prior to the previous calendar year but who did not renew that license in the previous calendar year.

F. The commissioner may hold a combined lottery for sea urchin handfishing licenses and sea urchin hand-raking and trapping licenses in a zone if the exit ratio for those licenses in that zone is reached. For the purposes of this paragraph, "exit ratio" means that one person may be awarded eligibility in a lottery to obtain either a sea urchin handfishing license or a sea urchin hand-raking and trapping license for every 5 persons who held a sea urchin handfishing license or a sea urchin hand-raking and trapping license in the year prior to the previous calendar year but who did not renew the license in the previous calendar year.'

Further amend the bill by striking out all of section 5 and inserting in its place the following:

2 'Sec. 5. 12 MRSA §6749-Q, first ¶, as amended by PL 1997, c.
177, §1, is further amended to read:

4 The following surcharges are assessed on licenses sold for
calendar years 1995, 1996, 1997 and 1998, 1999, 2000 and 2001:'

6 Further amend the bill in section 7 in that part designated
8 "§6749-T." in the 2nd line (page 3, line 22 in L.D.) by striking
out the following: "2003" and inserting in its place the
10 following: '2002'

12 Further amend the bill by striking out all of sections 8 and
9 and inserting in their place the following:

14 'Sec. 8. 12 MRSA §6749-W, sub-§3, as amended by PL 1997, c.
16 177, §5, is repealed.

18 Sec. 9. 12 MRSA §6749-W, sub-§§3-A and 3-B are enacted to
read:

20 3-A. Designation of handfishing, raking, trapping open
22 days; Zone 2. The commissioner, in consultation with the Sea
24 Urchin Zone Council under section 6749-X, shall by rule establish
26 the following 2 seasons within that area designated Zone 2 under
section 6749-N, subsection 2 for the harvesting of sea urchins by
hand, trap or rake:

28 A. Up to 170 days between August 1st and March 30th of the
following calendar year; and

30 B. Up to 170 days between November 1st and April 30th of
32 the following calendar year.

34 The commissioner is not required to designate days under
36 paragraphs A and B in consecutive order. A person who holds a
38 handfishing sea urchin license or a sea urchin hand-raking and
40 trapping license for Zone 2 may not harvest sea urchins in Zone 2
42 unless that person certifies on forms provided by the
44 commissioner that one of the 2 time periods established under
this subsection is the time period in which that person will fish
for or take sea urchins. A person who has certified a time
period under this section may, between May 1st and July 30th,
certify the other time period as the time period in which that
person will fish for or take sea urchins.

46 3-B. Designation of dragging open days; Zone 2. The
48 commissioner, in consultation with the Sea Urchin Zone Council
under section 6749-X, shall by rule establish the following 2
seasons within that area designated Zone 2 under section 6749-N,

subsection 2 for the harvesting of sea urchins by drag or any combination of drags:

A. Up to 170 days between October 1st and March 30th of the following calendar year; and

B. Up to 170 days between November 1st and April 30th of the following calendar year.

The commissioner is not required to designate days under paragraphs A and B in consecutive order. A person who holds a sea urchin dragging license for Zone 2 may not harvest sea urchins in Zone 2 unless that person certifies on forms provided by the commissioner that one of the 2 time periods designated under this subsection is the time period in which that person will fish for or take sea urchins. A person who has certified a time period under this section may, between May 1st and September 30th, certify the other time period as the time period in which that person will fish for or take sea urchins.'

Further amend the bill by striking out all of section 14 and inserting in its place the following:

Sec. 14. Report; 1999. The Commissioner of Marine Resources, in consultation with the Sea Urchin Zone Council, shall by January 15, 1999 report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the designation of zones to manage the sea urchin resource, the feasibility, practicability and methods of electing members to the Sea Urchin Zone Council, the establishment of separate councils for each sea urchin zone and any other matter of interest regarding the management and conservation of sea urchins. The joint standing committee of the Legislature having jurisdiction over marine resources matters may report out legislation during the First Regular Session of the 119th Legislature regarding the licensing of sea urchin harvesters or the State's regulation of the sea urchin resource.

Sec. 15. Report; 2001. The Commissioner of Marine Resources, in consultation with the Sea Urchin Zone Council, shall by January 15, 2001 report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the operations of the sea urchin license lottery system. The joint standing committee of the Legislature having jurisdiction over marine resources matters may report out legislation during the First Regular Session of the 120th Legislature regarding the sea urchin license lottery system, the licensing of sea urchin harvesters or the State's regulation of the sea urchin resource.

2 **Sec. 16. Allocation.** The following funds are allocated from
the Sea Urchin Research Fund to carry out the purposes of this
Act.

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1998-99

MARINE RESOURCES, DEPARTMENT OF

Bureau of Marine Patrol

Personal Services \$30,000

Allocates funds needed for
the costs of an increased
number of enforcement
overtime hours.'

Further amend the bill by inserting at the end before the
summary the following:

FISCAL NOTE

1998-99

APPROPRIATIONS/ALLOCATIONS

Other Funds \$30,000

Extending the surcharge on sea urchin licenses will
authorize the Department of Marine Resources to collect an
estimated \$414,898 in dedicated revenues for the Sea Urchin
Research Fund in fiscal year 1998-99. Currently budgeted
allocations and revenues for fiscal year 1998-99 do not
accurately reflect the existing statutory limitation on the
collection of license surcharges through the end of calender year
1998. Therefore, no adjustments to allocations or budgeted
revenues are necessary.

The department will incur overtime costs associated with
additional enforcement activities. This bill authorizes the use
of the Sea Urchin Research Fund to fund these costs estimated to
be \$30,000 annually beginning in fiscal year 1998-99. An
additional allocation is required in fiscal year 1998-99 for
these additional costs. The department will also incur some
minor additional costs to adopt certain rules pertaining to sea
urchin harvesting and to submit a required report to the
Legislature. These costs can be absorbed within the department's
existing budgeted resources.

2 This bill may also increase prosecutions for Class D
3 crimes. If a jail sentence is imposed, the additional costs to
4 the counties are estimated to be \$86.45 per day per prisoner.
5 These costs are not reimbursed by the State. The number of
6 prosecutions that may result in a jail sentence and the resulting
7 costs to the county jail system are expected to be insignificant.

8 The additional workload, administrative costs and indigent
9 defense costs associated with the minimal number of new cases
10 filed in the court system can be absorbed within the budgeted
11 resources of the Judicial Department. The collection of
12 additional fines may also increase General Fund revenue by minor
13 amounts.

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16 **SUMMARY**

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18 The amendment extends for one year, through 2001, the sea
19 urchin license lottery system proposed in the bill. It allows
20 the commissioner to include in rules establishing the system
21 provisions allowing multiple entries into a lottery based upon
22 prior licensed activity in the sea urchin fishery. It also
23 clarifies that under a license lottery system, lotteries must be
24 held for each of the 2 sea urchin zones, a person may not enter
25 more than one lottery each year and a combination lottery may be
26 held for sea urchin handfishing, trapping and raking licenses.

27
28 The amendment extends through 2001 the surcharges on sea
29 urchin licenses.

30
31 The amendment clarifies the provisions of the bill under
32 which 2 seasons are designated in Zone 2. A person who harvests
33 sea urchins in Zone 2 may harvest during only one of the seasons.

34
35 The amendment requires a report on the lottery system by
36 January 15, 2001. It repeals the lottery system and other
37 emergency sea urchin provisions on January 1, 2002.

38
39 The amendment also requires a report by January 15, 1999 on
40 the designation of zones to manage the sea urchin resource, the
41 feasibility, practicability and methods of electing members to
42 the Sea Urchin Zone Council, the establishment of separate
43 councils for each sea urchin zone and any other matter of
44 interest regarding the management and conservation of sea urchins.

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46 The amendment adds an allocation section and a fiscal note
47 to the bill.
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