

MAINE STATE LEGISLATURE

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R & S

L.D. 1829

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DATE: April 29, 1999

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MARINE RESOURCES

Reported by:

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

18
20 COMMITTEE AMENDMENT " A" to S.P. 649, L.D. 1829, Bill, "An
Act to Establish a Permit for the Marine Shrimp Fishery"

22 Amend the bill by striking out the title and substituting
the following:

24
26 **'An Act to Establish a License for the Marine Shrimp Fishery'**

28 Further amend the bill by inserting after the enacting
clause the following:

30 **'Sec. 1. 12 MRSA §6301, sub-§2, ¶¶P and Q,** as enacted by PL
1995, c. 492, §3 and affected by §5, are amended to read:

32
34 P. A lobster transportation license issued under section
6854 expires on March 31st of each year; and

36 Q. A lobster transportation supplemental license issued
under section 6854 expires on March 31st of each year; and

38
40 **Sec. 2. 12 MRSA §6301, sub-§2, ¶R** is enacted to read:

42 R. A wholesale seafood license with a shrimp permit issued
under section 6851 expires on March 31st of each year.

44 **Sec. 3. 12 MRSA §6302-A, sub-§1,** as enacted by PL 1997, c.
708, §1 and affected by §3, is amended to read:

COMMITTEE AMENDMENT "A" to S.P. 649, L.D. 1829

1. **Tribal exemption; commercial harvesting licenses.** A member of the Passamaquoddy Tribe who is a resident of the State is not required to hold a state license or permit issued under section 6421, 6501, 6505-A, 6505-C, 6535, 6536, 6601, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751 or, 6803 or 6804 to conduct activities authorized under the state license or permit if that member holds a valid license issued by the tribe to conduct the activities authorized under the state license or permit. A member of the Passamaquoddy Tribe issued a tribal license pursuant to this subsection to conduct activities is subject to all laws and rules applicable to a person who holds a state license or permit to conduct those activities and to all the provisions of chapter 625, except that the member of the tribe:

A. May utilize lobster traps tagged with trap tags issued by the tribe in a manner consistent with trap tags issued pursuant to section 6431-B. A member of the tribe is not required to pay trap tag fees under section 6431-B if the tribe issues that member trap tags;

B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe in a manner consistent with tags issued pursuant to 6505-B. A member of the tribe is not required to pay elver fishing gear fees under section 6505-B if the tribe issues that member elver fishing gear tags; and

C. Is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671.'

Further amend the bill in section 2 by striking out all of that part designated "~~§6804.~~" (page 1, lines 13 to 49 and page 2 lines 1 to 9 in L.D.) and inserting in its place the following:

§6804. Commercial shrimp license

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

2. Licensed activities. 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. A license issued under subsection 7, paragraph B or C also authorizes unlicensed crew members aboard the vessel declared by the license holder to engage in these activities.

3. Boat declaration. The license holder shall declare the name of the vessel to be used for fishing under the commercial

2 shrimp license at the time of application for the license and may
3 not change that declaration during the license year unless the
4 original vessel is sold and replaced, has been damaged and will
5 be under repair for not less than one month or has been destroyed
6 or lost.

7 4. Reporting. The commissioner shall adopt rules regarding
8 data that the holder of a commercial shrimp license must submit
9 to the department. The commissioner may deny an application for
10 the renewal of a license issued under this section if the license
11 holder fails to report the information required pursuant to this
12 subsection.

13 5. Exemption. Notwithstanding subsection 1, a license is
14 not required to fish for, take, possess or transport shrimp only
15 for personal use.

16 6. Eligibility. A commercial shrimp license may be issued
17 only to an individual.

18 7. Fees. Fees for the commercial shrimp license are as
19 follows:

20 A. Thirty-three dollars for a resident license that
21 authorizes the license holder to engage in the licensed
22 activities under subsection 2;

23 B. Eighty-nine dollars for a resident license that
24 authorizes the license holder and crew members to engage in
25 the licensed activities under subsection 2; and

26 C. Three hundred and thirty-four dollars for a nonresident
27 license that authorizes the license holder and crew members
28 to engage in the licensed activities under subsection 2.

29 8. Disposition of fees. All fees for commercial shrimp
30 licenses must be deposited in the Shrimp Management Fund
31 established in section 6805.'

32 Further amend the bill in section 2 in that part designated
33 "~~§6805.~~" in subsection 2 in the 2nd line (page 2, line 18 in
34 L.D.) by striking out the following: "in support of issues" and
35 inserting in its place the following: 'for research and
36 assessment'

37 Further amend the bill in section 2 in that part designated
38 "~~§6805.~~" in subsection 3 in the 2nd line (page 2, line 21 in
39 L.D.) by striking out the following: "permit" and inserting in
40 its place the following: 'license'

COMMITTEE AMENDMENT "A" to S.P. 649, L.D. 1829

Further amend the bill in section 3 in that part designated
"§6851." in subsection 2-D by inserting after the first paragraph
a new paragraph to read:

'The commissioner shall adopt rules regarding data that the holder of a wholesale seafood license with a shrimp permit must submit to the department. The commissioner may deny an application for the renewal of a wholesale seafood license with a shrimp permit if the license holder fails to report the information required pursuant to this subsection.'

Further amend the bill in section 3 in that part designated
"§6851." by striking out all of subsections 7 and 8 (page 4,
lines 9 to 15 in L.D.)

Further amend the bill by inserting after section 3 the
following:

Sec. 4. Rulemaking. Rules adopted by the Commissioner of Marine Resources in accordance with the Maine Revised Statutes, Title 12, section 6804, subsection 4 and section 6851, subsection 2-D are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 5. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

MARINE RESOURCES, DEPARTMENT OF

Division of Administrative Services

All Other \$46,895

Allocates funds necessary for costs related to the management of the shrimp fishery.

Sec. 6. Effective dates. Those sections of this Act that amend the Maine Revised Statutes, Title 12, section 6302-A and enact Title 12, section 6804 take effect on January 1, 2000. Those sections of this Act that amend Title 12, sections 6301 and 6851 take effect on April 1, 2000.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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

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FISCAL NOTE

2000-01

APPROPRIATIONS/ALLOCATIONS

Other Funds \$46,895

REVENUES

General Fund (\$22,250)
Other Funds 46,895

This bill includes an additional Other Special Revenue funds allocation of \$46,895 in fiscal year 2000-01 for the Department of Marine Resources for costs related to management of the shrimp fishery. The estimated increase of dedicated revenue to the department from fee collections deposited into the Shrimp Management Fund resulting from the establishment of commercial shrimp permits is \$46,895 in fiscal year 2000-01. Future expenditures and dedicated revenue collections are expected to decline gradually.

Changing certain requirements for wholesale seafood licenses will reduce General Fund revenue by \$22,250 in fiscal year 2000-01. It is expected that the revenue loss in subsequent years will gradually decline.

This bill may increase prosecutions for Class D crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$82.48 per day per prisoner. These costs are not reimbursed by the State. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

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

SUMMARY

This amendment changes the title of the bill. The amendment establishes a commercial shrimp license for the commercial shrimp fishery. It specifies that a member of the Passamaquoddy Tribe

COMMITTEE AMENDMENT "A" to S.P. 649, L.D. 1829

2 is not required to hold a state commercial shrimp license if the
member holds a tribal license to conduct the activities
4 authorized under the state license.

6 The amendment specifies that the Shrimp Management Fund must
be used for research and assessment related to management of the
8 shrimp fishery. It also strikes from the bill the requirement
that 50% of the fee for the wholesale seafood license with a
10 shrimp permit be deposited in the Shrimp Management Fund. The
amendment clarifies that rules adopted by the Commissioner of
12 Marine Resources related to submission of data by license holders
are routine technical rules.

14 The amendment specifies that the sections of the bill
establishing a wholesale seafood license with a shrimp permit
16 take effect on April 1, 2000 and that a wholesale seafood license
with a shrimp permit expires on March 31st of each year. The
18 amendment also specifies that the section of the bill
establishing a commercial shrimp license takes effect on January
20 1, 2000.

22 The amendment also adds an allocation and a fiscal note to
the bill.