

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1829

S.P. 649

In Senate, March 11, 1999

An Act to Establish a Permit for the Marine Shrimp Fishery.

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 HONEY of Boothbay and
Representatives: BAGLEY of Machias, STANWOOD of Southwest Harbor, USHER of
Westbrook.

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

2

3 **Sec. 1. 12 MRSA §6501, sub-§6**, as amended by PL 1997, c. 19,
4 §5, is further amended to read:

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

10

11 **Sec. 2. 12 MRSA §§6804 and 6805** are enacted to read:

12

13 **§6804. Commercial shrimp permit**

14

15 **1. License; permit required.** It is unlawful for any person
16 to engage in the activities authorized by a permit under this
17 section without a current commercial fishing license and a
18 commercial shrimp permit.

20

21 **2. Licensed activities.** The holder of a commercial shrimp
22 permit may fish for or take shrimp or possess, ship, transport or
23 sell shrimp that the license holder has taken. The permits
24 issued under subsection 7, paragraphs B and C authorize the
25 captain and crew members aboard the permit holder's boat to
26 undertake these activities in the absence of the permit holder
when the boat is engaged in commercial shrimp fishing.

28

29 **3. Boat declaration.** The permit holder must declare the
30 name of the vessel to be used for fishing under the commercial
31 shrimp permit at the time of application for the permit and may
32 not change that declaration during the license year unless the
33 original vessel is sold and replaced, has been damaged and will
34 be under repair for not less than one month or has been destroyed
or lost.

36

37 **4. Reporting.** Failure to report statistics required by
38 rule adopted by the department is cause to deny renewal of a
permit issued under this section.

40

41 **5. Exemption.** This section does not apply to individuals
42 fishing, possessing or transporting shrimp taken for personal use.

42

43 **6. Eligibility.** A commercial shrimp permit may be issued
44 only to an individual.

46

47 **7. Fees.** Fees for the commercial shrimp permit are as
48 follows:

48

49 **A. Thirty-three dollars for a resident boat operator;**

50

2 B. Eighty-nine dollars for a resident boat operator and all
3 crew members; and

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

6
7 8. Disposition of fees. All fees for commercial shrimp
8 permits must be deposited in the Shrimp Management Fund
9 established in section 6805.

10 **§6805. Shrimp Management Fund**

11
12 1. Fund established. The Shrimp Management Fund, referred
13 to in this section as the "fund," is established as a dedicated,
14 nonlapsing fund within the department.

15
16 2. Purposes of fund. The commissioner shall use the fund
17 in support of issues related to management of the shrimp fishery.

18
19 3. Source of revenue. In addition to the fees derived from
20 the commercial shrimp permit, the fund may receive money from any
21 source for the purposes described in subsection 2.

22
23 Sec. 3. 12 MRSA §6851, as amended by PL 1997, c. 19, §§8 and
24 9, is further amended to read:

25 **§6851. Wholesale seafood license; wholesale seafood license with**
26 **lobster permit; wholesale seafood license with urchin**
27 **permit; wholesale seafood license with shrimp permit**

28
29 1. License required. It is unlawful for any person to
30 engage in the activities authorized by this license under this
31 section without a current wholesale seafood license or other
32 license issued under this Part authorizing the activities.

33 2. License activities. The holder of a wholesale seafood
34 license may, in the wholesale or retail trade:

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

38 B. Within or beyond the state limits, buy, sell, shuck,
39 pack, ship or, within the state limits, transport fresh or
40 frozen shellfish, except lobsters, to the extent these
41 activities are expressly authorized by a shellfish
42 certificate issued under section 6856; or

43 D. Buy, sell, process, ship or, within the state limits,
44 transport crayfish.

2 **2-A. Wholesale seafood license with lobster permit.** At the
4 request of the applicant, the commissioner shall issue a
6 wholesale seafood license with a lobster permit. A person
8 holding a wholesale seafood license with a lobster permit may
10 engage in all the activities in subsection 2 and may buy, sell,
12 process, ship or transport lobster or properly permitted or
lawfully imported lobster meat or parts anywhere within the state
limits. A license under this subsection does not authorize a
person to remove lobster meat from the shell unless a permit
under section 6857 is held.

14 **2-B. Wholesale seafood license with a sea urchin buyer's**
16 **permit.** At the request of the applicant, the commissioner shall
18 issue a wholesale seafood license with a sea urchin buyer's
20 permit. A person holding a wholesale seafood license with a sea
22 urchin buyer's permit may engage in all the activities in
subsection 2 and may buy, sell, ship or transport whole sea
urchins. A license under this subsection does not authorize a
person to engage in the processing of sea urchins or to buy,
sell, ship or transport sea urchin parts.

24 **2-C. Wholesale seafood license with a sea urchin**
26 **processor's permit.** At the request of the applicant, the
28 commissioner shall issue a wholesale seafood license with a sea
30 urchin processor's permit. A person holding a wholesale seafood
license with a sea urchin processor's permit may engage in all
the activities in subsection 2 and may buy, sell, process, ship
or transport whole sea urchins or sea urchin parts.

32 **2-D. Wholesale seafood license with shrimp permit.** At the
34 request of the applicant, the commissioner shall issue a
wholesale seafood license with a shrimp permit. A person holding
a wholesale seafood license with a shrimp permit may engage in
all of the activities in subsection 2 and may buy, sell, ship or
transport shrimp.

38 **3. Exceptions.** This section does not apply to smoked
40 herring or alewives.

42 **4. License limited.** A license under this section only
44 authorizes activities at one establishment or with one vehicle,
46 but not on a vessel rigged to fish, provided that this license
also authorizes the sale and transportation of scallops from any
vessel.

48 **5. Supplemental license.** A supplemental license must be
obtained for each additional establishment or vehicle.

50 **6. Fees.** The fees are as follows:

