

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1836

H.P. 1275

House of Representatives, March 11, 1999

An Act Concerning the Sea Urchin 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 black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ETNIER of Harpswell.
Cosponsored by Representatives: McNEIL of Rockland, STANWOOD of Southwest Harbor.

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

4 **Sec. 1. 12 MRSA §§6404-B and 6404-C are enacted to read:**

6 **§6404-B. Suspension based on conviction of fishing on closed**
8 **days for sea urchin fishing**

10 The commissioner shall suspend the sea urchin fishing
12 license of any license holder convicted in court of violating
14 section 6749-W. The suspension must be for one year from the
16 date of conviction.

18 **§6404-C. Suspension based on conviction of sea urchin fishing in**
20 **zone for which person is not licensed**

22 The commissioner shall suspend the sea urchin fishing
24 license of any license holder convicted in court of violating
26 section 6749-P. The suspension must be for one year from the
28 date of conviction.

30 **Sec. 2. 12 MRSA §6749-R, sub-§1, as amended by PL 1997, c.**
32 **685, §6, is further amended to read:**

34 **1. Uses of the fund.** The commissioner shall use the fund
36 for research directly related to sea urchin fishery management
38 information needs and for reporting to licensed sea urchin
40 harvesters, boat tenders, processors and buyers on the results of
42 research and the use of fund revenues. The purpose of that
44 research must be to determine, with the highest reliability
46 possible given available resources, the greatest level of effort
48 that may be applied to the sea urchin fishery without harming the
50 long-term economic and biological sustainability of the sea
 urchin fishery. The commissioner shall consult with the Sea
 Urchin Zone Council under section 6749-X before deciding upon
 research projects and awarding grants from the fund. The fund
 may also be used for ~~personnel-services-for~~ law enforcement and
 ~~support for the Sea Urchin Zone Council.~~ Up to 30% of allotted
 revenues may be used for ~~personnel-services-for~~ law enforcement
 purposes.

Sec. 3. 12 MRSA §6749-S, as enacted by PL 1993, c. 740, §3,
 is repealed and the following enacted in its place:

§6749-S. Log books for sea urchin buyers and processors

1. Log book; rules. The commissioner shall adopt rules
 requiring any person holding a wholesale seafood license with a
 sea urchin buyer's permit or a wholesale seafood license with a
 sea urchin processor's permit to maintain a log book. The rules
 must indicate the type of data that must be recorded in the log
 book, the manner for producing the log books and the method for

2 analyzing data from the log books. The commissioner shall charge
3 a fee for the log book that is sufficient to recover all costs
4 associated with the production of the log book and analysis of
5 the data, except that any personnel and operating costs
6 associated with the log book must be paid from allocations from
7 the Sea Urchin Research Fund. Fees received by the department
8 from the sale of log books are dedicated revenue and must be used
9 by the department for the purposes of this section. The log book
10 and data analysis may be produced and conducted by the department
11 or may be produced and conducted by a public or private entity
12 under contract with the department. Disclosure of any data
13 collected under this section is subject to the confidentiality
14 provisions of section 6173.

15 2. Reporting. Failure to report any statistic required by
16 rule pursuant to subsection 1 is cause to deny renewal of any
17 license issued under this subchapter.

18 **Sec. 4. 12 MRSA §6749-W, sub-§1,** as enacted by PL 1995, c.
19 595, §5 and affected by §6, is amended to read:

20 **1. Prohibition.** It is unlawful for a person to possess
21 aboard a vessel, fish for or take sea urchins on any day not
22 designated as open to sea urchin harvesting under this section.
23

24 **Sec. 5. 12 MRSA §6749-X, sub-§1,** as amended by PL 1997, c.
25 685, §10, is further amended to read:

26 **1. Appointment; composition.** The Sea Urchin Zone Council,
27 referred to in this section as the "council," established by
28 Title 5, section 12004-I, subsection 57-B, consists of 19
29 members. The commissioner shall appoint the members as follows:

30 **A.** Three sea urchin harvesters who hold a current
31 handfishing sea urchin license for Zone 1;

32 **B.** Three sea urchin harvesters who hold a current
33 handfishing sea urchin license for Zone 2;

34 **C.** Three sea urchin harvesters who hold a current sea
35 urchin draggers license for Zone 1;

36 **D.** Three sea urchin harvesters who hold a current sea
37 urchin draggers license for Zone 2;

38 **E.** ~~One sea urchin processor who holds a current wholesale~~
39 ~~seafood license with a sea urchin processor's permit and~~
40 ~~whose processing operation is located in Zone 1; Two~~
41 ~~individuals whose base of operation is located in Zone 1 and~~
42

2 who hold either a current sea urchin processor's permit or a
3 current sea urchin buyer's permit;

4 ~~F. One sea urchin processor who holds a current wholesale~~
5 ~~seafood license with a sea urchin processor's permit and~~
6 ~~whose processing operation is located in Zone 2; Two~~
7 ~~individuals whose base of operation is located in Zone 2 and~~
8 ~~who hold either a current sea urchin processor's permit or a~~
9 ~~current sea urchin buyer's permit;~~

10 ~~G. One sea urchin buyer who holds a current wholesale~~
11 ~~seafood license with a sea urchin buyer's permit and whose~~
12 ~~base of operation is located in Zone 1;~~

13 ~~H. One sea urchin buyer who holds a current wholesale~~
14 ~~seafood license with a sea urchin buyer's permit and whose~~
15 ~~base of operation is located in Zone 2;~~

16 I. Two scientists who have expertise in marine resources
17 management; and

18 J. One sea urchin harvester who holds a current boat
19 tender's license.

20 In making appointments under paragraphs A, B, C and D, the
21 commissioner shall select members to ensure a geographic
22 distribution of representation from each zone.

23 **Sec. 6. 12 MRSA §6749-X, sub-§3, ¶B,** as amended by PL 1997, c.
24 685, §11, is further amended to read:

25 B. Research projects and grants funded by the Sea Urchin
26 Research Fund under section 6749-R. The council may seek
27 advice from scientists who have expertise in marine resource
28 management in determining the research needs for the sea
29 urchin fishery;

30 **Sec. 7. 12 MRSA §6749-Z, sub-§3,** as enacted by PL 1995, c.
31 595, §5, is amended to read:

32 **3. Conditions for authorization.** ~~The commissioner shall~~
33 ~~authorize zone change requests for a zone if the number of~~
34 ~~licenses issued for that zone in the previous calendar year is~~
35 ~~less than the number of licenses issued for that zone in the year~~
36 ~~before the previous calendar year. The total number of~~
37 ~~authorized change requests for a zone during a licensing year may~~
38 ~~not exceed the number by which the number of licenses issued for~~
39 ~~that zone in the previous calendar year is less than the number~~
40 ~~of licenses issued for that zone in the year before the previous~~
41 ~~calendar year Zone 1 during a licensing year must equal the total~~

2 authorized requests for Zone 2. The commissioner shall authorize
zone change requests in chronological order of requests received
under this section.

4
6 **Sec. 8. Transition provision.** Members of the Sea Urchin Zone
Council who were appointed under the Maine Revised Statutes,
Title 12, section 6749-X prior to the effective date of this Act
8 and whose membership is affected by this Act shall continue to
serve on the council until their current terms expire.

12 SUMMARY

14 This bill makes the following changes to the laws regarding
the sea urchin fishery:

16 1. It eliminates the personnel restriction regarding the
18 use of the sea urchin research fund;

20 2. It provides that failure to report required data may
result in ineligibility to renew licenses;

22 3. It adds possession of sea urchins on a boat during a
24 closed day as an unauthorized activity;

26 4. It directs the Commissioner of Marine Resources to
suspend the sea urchin license of a license holder upon
28 conviction of violating the sea urchin fishing season;

30 5. It directs the Commissioner of Marine Resources to
suspend a sea urchin license upon conviction of violating the
32 zone harvesting laws;

34 6. It places conditions on changing zones so that the
number of license holders changing from Zone 1 to Zone 2 equals
36 the number of license holders changing from Zone 2 to Zone 1;

38 7. It changes the membership of the Sea Urchin Zone Council
from a processor in Zone 1 and a processor from Zone 2 to 2
40 individuals in Zone 1 who have either a processor's or buyer's
permit and 2 individuals in Zone 2 who have either a processor's
42 or buyer's permit; and

44 8. It specifies that the zone council may seek advice from
knowledgeable scientists with regard to research needs.