

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

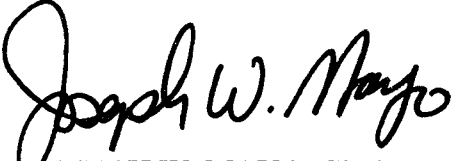
No. 2062

H.P. 1439

House of Representatives, March 25, 1999

**An Act to Require Fishing Boats Rather than Individuals to Be Licensed
for Salt Water Commercial Ventures.**

Reference to the Committee on Marine Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative GOODWIN of Pembroke.

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

2
4 **Sec. 1. 12 MRSA §6001, sub-§2-A** is enacted to read:

6 **2-A. Boat owner.** "Boat owner" means:

8 A. An individual who is the owner of a vessel registered
10 under chapter 715, subchapter I or the owner of a vessel
12 documented under 46 Code of Federal Regulations, Part 67;

14 B. An individual who owns the highest percentage of
16 individual ownership in a commercial entity that is the
18 owner of a vessel registered under chapter 715, subchapter I
20 or a vessel documented under 46 Code of Federal Regulations,
22 Part 67; or

24 C. When 2 or more individuals own in equal proportion the
26 highest percentages of individual ownership in a commercial
28 entity that owns a vessel registered under chapter 715,
30 subchapter I or a vessel documented under 46 Code of Federal
32 Regulations, Part 67, one of the highest percentage
34 individual owners as designated by the owners of that
36 commercial entity.

38 **Sec. 2. 12 MRSA §6001, sub-§14-A** is enacted to read:

40 **14-A. Family member.** "Family member" means a husband,
42 wife, brother, sister, son-in-law, daughter-in-law, parent by
44 blood, parent by adoption, mother-in-law, father-in-law, child by
46 blood, child by adoption, stepchild, stepparent, grandchild or
48 grandparent.

50 **Sec. 3. 12 MRSA §6001, sub-§33,** as enacted by PL 1977, c. 661,
§5, is amended to read:

33. Person. "Person" means any individual, firm,
corporation, commercial entity or agency or political subdivision
of government.

Sec. 4. 12 MRSA §6001, sub-§36-A is enacted to read:

36-A. Replacement vessel. "Replacement vessel" means a
vessel that is substituted for a vessel that is no longer
utilized by a person.

Sec. 5. 12 MRSA §6301, sub-§2, ¶B, as amended by PL 1993, c.
497, §1, is further amended to read:

B. A shellfish handfishing and raking license issued under
section ~~6601~~ 6602 or a shellfish boat license issued under
section 6603 expires on April 30th of each year;

2 **Sec. 6. 12 MRSA §6302-A, sub-§1**, as enacted by PL 1997, c.
708, §1 and affected by §3, is amended to read:

4
6 **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
8 section ~~6421,--6501, 6501-A,~~ 6505-A, 6505-C, 6535, 6536, ~~6601~~
~~6602, 6603,~~ 6701, ~~6702 6702-A,~~ 6703, ~~6731 6731-B, 6731-C,~~ 6745,
10 ~~6746 6746-A,~~ 6748, 6748-A, 6748-D, ~~6748-E,~~ 6751 or 6803 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
14 permit. A member of the Passamaquoddy Tribe issued a tribal
license pursuant to this subsection to conduct activities is
16 subject to all laws and rules applicable to a person who holds a
state license or permit to conduct those activities and to all
18 the provisions of chapter 625, except that the member of the
tribe:

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

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

32 C. Is not required to hold a state shellfish license issued
34 under section ~~6601 6602 or 6603~~ to obtain a municipal
shellfish license pursuant to section 6671.

36 **Sec. 7. 12 MRSA §6302-A, sub-§2**, as enacted by PL 1997, c.
38 708, §1 and affected by §3, is amended to read:

40 **2. Tribal exemption; sustenance or ceremonial tribal use.**
Notwithstanding any other provision of law, a member of the
42 Passamaquoddy Tribe who is a resident of the State may at any
time take, possess, transport and distribute:

44 A. Any marine organism, except lobster, for sustenance use
46 if the tribal member holds a valid sustenance fishing
license issued by the tribe. A sustenance fishing license
48 holder who fishes for sea urchins may not harvest sea
urchins out of season;

50

2 B. Lobsters for sustenance use, if the tribal member holds
a valid sustenance lobster license issued by the tribe. The
4 sustenance lobster license holder's traps must be tagged
with sustenance use trap tags issued by the tribe in a
6 manner consistent with trap tags issued pursuant to section
6431-B; however, a sustenance lobster license holder may not
8 harvest lobsters for sustenance use with more than 25 traps;
and

10 C. Any marine organism for noncommercial use in a tribal
ceremony within the State, if the member holds a valid
12 ceremonial tribal permit issued to the tribal member by the
Joint Tribal Council of the Passamaquoddy Tribe or the
14 governor and council at either Passamaquoddy reservation.

16 For purposes of this subsection, "sustenance use" means all
noncommercial consumption or noncommercial use by any person
18 within the Passamaquoddy reservation at Pleasant Point or Indian
Township or at any location within the State by a tribal member,
20 by a tribal member's immediate family or within a tribal member's
household. The term "sustenance use" does not include the sale
22 of marine organisms. A member of the Passamaquoddy Tribe who
takes a marine organism under a license or permit issued pursuant
24 to this subsection must comply with all laws and rules applicable
to a person who holds a state license or permit that authorizes
26 the taking of that organism, except that a state law or rule that
sets a season for the harvesting of a marine organism does not
28 apply to a member of the Passamaquoddy Tribe who takes a marine
organism for sustenance use or for noncommercial use in a tribal
30 ceremony. A member of the Passamaquoddy Tribe issued a license
or permit under this subsection is exempt from paying elver gear
32 fees under section 6505-B or trap tag fees under section 6431-B
and is not required to hold a state shellfish license issued
34 under section ~~6601~~ 6602 or 6603 to obtain a municipal shellfish
license pursuant to section 6671. A member of the Passamaquoddy
36 Tribe who fishes for or takes lobster under a license or permit
issued pursuant to this subsection must comply with the closed
38 periods under section 6440.

40 **Sec. 8. 12 MRSA §6302-A, sub-§§3 and 4**, as enacted by PL 1997,
c. 708, §1 and affected by §3, are repealed.

42 **Sec. 9. 12 MRSA §6310** is enacted to read:

44 **§6310. Commercial fishing fees**

46 **1. Resident fees.** The following fees apply to a boat owned
48 by an individual who is a resident of the State or a commercial
entity that is headquartered or incorporated in the State for
50 resident licenses issued under sections 6421-B, 6501-A, 6603,
6702-A, 6731-C, 6746-A and 6748-E:

- 2 A. If the boat is 20 feet or less in length, \$50;
4 B. If the boat is greater than 20 feet in length and up to
 36 feet in length, \$200;
6 C. If the boat is greater than 36 feet in length and up to
8 42 feet in length, \$250;
10 D. If the boat is greater than 42 feet in length and up to
 50 feet in length, \$300; and
12 E. If the boat is greater than 50 feet in length, \$750.

14 2. Nonresident fees. The following fees apply to a boat
16 owned by an individual who is a nonresident or a commercial
18 entity that is not headquartered or incorporated in the State for
 a license issued under sections 6421-B, 6501-A, 6603, 6702-A,
20 6731-C, 6746-A and 6748-E:

- 22 A. If the boat is 20 feet or less in length, \$150;
24 B. If the boat is greater than 20 feet in length and up to
 36 feet in length, \$600;
26 C. If the boat is greater than 36 feet in length and up to
28 42 feet in length, \$750;
30 D. If the boat is greater than 42 feet in length and up to
 50 feet in length, \$900; and
32 E. If the boat is greater than 50 feet in length, \$2,250.

34 A license issued pursuant to this section expires one year from
36 the date of issue.

38 Sec. 10. 12 MRSA §6311 is enacted to read:

40 §6311. Owner requirement exemption

42 1. Definitions. As used in this section, unless the
 context otherwise indicates, the following terms have the
44 following meanings.

- 46 A. "Qualifying period" means any 46 days during 3
 consecutive months in one calendar year.

48 2. Owner requirement. A licensed boat may not be used to
50 harvest a marine organism unless the licensed boat
 owner or family member is on board.

2 3. Exemptions to owner requirement. Notwithstanding
3 subsection 2, the commissioner may authorize a person to harvest
4 a marine organism from a boat when the boat owner or a family
5 member is not on board if:

6 A. The boat owner holds a license for the boat to be used
7 to harvest the marine organism, documents to the
8 commissioner that an illness or disability temporarily
9 prevents that owner from harvesting the marine organism from
10 the boat and requests in writing to the commissioner that
11 the commissioner authorize another person to use the owner's
12 boat to harvest that marine organism:

13 B. A licensed boat has become temporarily inoperable
14 because of an accident or a mechanical failure and the
15 person who owns that inoperable boat requests in writing
16 permission from the commissioner to use another person's
17 boat to harvest a marine organism:

18 C. The person documents to the commissioner by December 31,
19 2000 that the person harvested a marine organism during the
20 qualifying period in each of calendar years 1995, 1996 and
21 1997 from the same boat and that boat did not have on board
22 the boat owner or a family member of the boat owner. A
23 person may not qualify for the exemption under this
24 paragraph unless that person continues to harvest the marine
25 organism from the vessel from which the person harvested
26 marine organisms during the qualifying period in each of
27 calendar years 1995, 1996 and 1997 or from a replacement
28 vessel; or

29 D. The person documents to the commissioner by December 31,
30 2000 that that person rented, leased or otherwise made
31 available that boat to a holder of a license issued pursuant
32 to sections 6421-B, 6501-A, 6603, 6702-A, 6731-C, 6746-A and
33 6748-E to harvest a marine organism during the qualifying
34 period in each of calendar years 1995, 1996 and 1997 for the
35 purpose of harvesting that marine organism. A person
36 authorized under this paragraph may harvest the marine
37 organism only from the boat that was made available during
38 the qualifying period in each of calendar years 1995, 1996
39 and 1997 or a replacement vessel.

40 4. Rules. The commissioner may adopt rules to implement
41 and administer this section. Rules adopted pursuant to this
42 subsection are routine technical rules pursuant to Title 5,
43 chapter 375, subchapter II-A.

2 **Sec. 11. 12 MRSA §6404**, as amended by PL 1995, c. 468, §2, is
further amended to read:

4 **§6404. Suspension based on conviction of scrubbing lobsters**

6 The commissioner shall suspend the lobster and crab fishing
license, wholesale seafood license and the commercial fishing
8 boat license of any license holder convicted in court of
violating section 6438-A. The suspension must be for one year
10 from the date of conviction.

12 **Sec. 12. 12 MRSA §6421**, as amended by PL 1997, c. 574, §1, is
repealed.

14 **Sec. 13. 12 MRSA §6421-A**, as enacted by PL 1997, c. 747, §1,
16 is repealed.

18 **Sec. 14. 12 MRSA §6421-B** is enacted to read:

20 **§6421-B. Lobster and crab fishing license**

22 **1. Boat requirement.** It is unlawful for a person to use a
boat to fish for or take lobsters and crabs unless:

24 A. That boat carries a lobster and crab fishing license
26 issued by the commissioner;

28 B. The license for that boat is purchased by and in the
30 name of the person who owns the boat; and

32 C. Except as provided under section 6311, the boat owner or
34 a family member of the boat owner is on board that boat when
36 the boat is used to harvest lobsters and crabs.

38 **2. Permitted activities.** A person on board a boat that
40 complies with subsection 1 may fish for, take, possess, ship or
42 transport within the State lobsters or crabs and sell lobsters or
44 crabs harvested by that boat. A person may not remove lobster
46 meat from the shell or take, possess, transport or ship lobster
48 parts or meat unless that person holds a permit under section
50 6851, 6854, 6857 or 6862.

3. Exception. A lobster and crab fishing license is not
required to take or catch crabs with bare hands or hook and line.

4. Eligibility. A lobster and crab fishing license may
only be issued to an individual who is a resident of the State or
a commercial entity that is headquartered or incorporated in the
State.

2 5. Buoy colors. A person who fishes for or takes lobsters
must describe, on a form provided by the commissioner, a single
4 color design of that person's buoys.

6 6. Fee. The fee for a lobster and crab fishing license is
established under section 6310.

8 7. Owner liability. A boat owner on board a boat licensed
under this section is liable for the activities authorized under
10 this section of all persons on board that boat.

12 Sec. 15. 12 MRSA §6422, as amended by PL 1997, c. 574, §§2
and 3, is repealed.

14 Sec. 16. 12 MRSA §6431-A, as amended by PL 1997, c. 19, §1,
16 is further amended to read:

18 **§6431-A. Lobster trap limit**

20 1. Limit. Except as provided in subsection 2, it is
unlawful for ~~the holder of a Class I, Class II or Class III~~
22 ~~license issued under section 6421~~ a person to submerge more than
1,200 lobster traps.

24 2. Trap limit exception. ~~The holder of a~~ A person who held
26 a Class I, Class II or Class III license issued under former
section 6421 who documents to the commissioner that ~~the license~~
28 holder that person submerged an average of more than 1,200
lobster traps in calendar year 1994 and calendar year 1995 has
30 until March 1, 2003 to reduce that average number of traps to
1,200 or less. At a minimum, the license holder must divide the
32 average number of submerged traps in excess of 1,200 by the
number 7 and, starting in calendar year 1996, annually reduce the
34 number of traps by the resulting number.

36 ~~3. ---Effective date.---This section takes effect March 1, 1996.~~

38 Sec. 17. 12 MRSA §6431-B, as enacted by PL 1995, c. 468, §5,
is amended to read:

40 **§6431-B. Tag system**

42 By March 1, 1996, the commissioner shall establish by rule a
44 lobster trap tag system under which ~~lobster--and--crab--fishing~~
license-holders a person who fishes for or takes lobsters must
46 purchase tags for the purpose of identifying and tracking traps.
The rules must contain provisions for replacing lost tags. The
48 commissioner may impose a per-tag fee to cover the cost of trap
tags, the costs of administering and enforcing a lobster trap tag
50 system and the costs associated with lobster management policy

2 councils and referenda pursuant to section 6447. Trap tag fees
3 must be deposited in the Lobster Management Fund established
4 under section 6431-C.

5 **Sec. 18. 12 MRSA §6431-D**, as amended by PL 1997, c, 19, §3,
6 is further amended to read:

7 **§6431-D. Boat trap limit**

8
9
10 1. **Boat limit.** Except as provided in subsection 2, it is
11 unlawful to tend more than 1,200 lobster traps from a boat.

12
13 2. **Exception.** Two or more ~~holders--of~~ persons who held
14 Class I, Class II or Class III licenses issued under former
15 section 6421 who harvest lobsters from the same boat may
16 collectively tend more than 1,200 lobster traps from that boat if
17 ~~the-license-holders~~ those persons:

18
19 A. Document to the commissioner the average number of traps
20 ~~the-license-holders~~ those persons fished from the boat in
21 calendar year 1994 and calendar year 1995 and that average
22 number exceeds 1,200.

23
24 (1) When ~~license-holders~~ persons qualify under this
25 paragraph, the trap limit for the boat in calendar year
26 1996 is the average number of lobster traps the ~~license~~
27 ~~holders~~ persons fished from the boat in calendar year
28 1994 and calendar year 1995. The number of traps
29 fished from the boat must be reduced to 1,200 or less
30 by March 1, 2003. The commissioner may determine by
31 rule a method for proportionally reducing the number of
32 traps fished from a boat; or

33
34 B. Document to the commissioner that the ~~license-holders~~
35 persons fished an average of more than 1,200 lobster traps
36 from a boat in calendar year 1994 and calendar year 1995 and
37 are family members. ~~For--the--purposes--of--this--paragraph,~~
38 ~~being--"family-members"--means--that--one--license--holder--on--the~~
39 ~~boat--must--be--related--to--each--of--the--license--holders--on--the~~
40 ~~boat--as--either--a--spouse,--sibling,--parent--by--blood,--parent--by~~
41 ~~adoption,--child--by--blood,--child--by--adoption,--stepchild,~~
42 ~~stepparent,--grandchild--or--grandparent.~~

43
44 (1) When ~~license-holders~~ persons qualify under this
45 paragraph, the trap limit for the boat is the product
46 of 1,200 multiplied by the number of ~~license-holders~~
47 persons who are family members documented under this
48 paragraph who continue to harvest lobsters from the
49 boat in calendar year 1996 and consecutive calendar
50 years thereafter. A ~~license-holder~~ person who is a

2 family member documented under this paragraph and who
3 does not harvest lobsters from the boat in calendar
4 year 1996 or any subsequent calendar year may harvest
5 lobsters from the boat as long as the total number of
6 traps fished from the boat does not exceed 1,200.

7 ~~3.--Effective-date.--This-section-takes-effect-March-17-1996.~~

8
9 **Sec. 19. 12 MRSA §6431-E**, as enacted by PL 1997, c. 693, §1
10 and affected by §3, is repealed.

11
12 **Sec. 20. 12 MRSA §6432, sub-§§2 and 3**, as enacted by PL 1977,
13 c. 661, §5, are amended to read:

14
15 **2. Marking.** It shall ~~be~~ is unlawful to set, raise, lift or
16 transfer any lobster trap or buoy unless it is clearly marked
17 with the owner's ~~lobster and crab fishing license number~~ name and
18 address.

19
20 **3. Color design.** It shall ~~be~~ is unlawful to set, raise,
21 lift or transfer any lobster trap unless the color design of the
22 attached buoy is the same as the color design that is on file
23 with the license application and is displayed on the boat, or
24 unless the person ~~is duly licensed and~~ possesses written
25 permission from the rightful owner of the lobster trap or buoy.
26 Prior notification of changes in buoy color design shall must be
27 provided to the commissioner.

28
29 **Sec. 21. 12 MRSA §6434**, as amended by PL 1993, c. 543, §2, is
30 further amended to read:

31 **§6434. Molesting lobster gear**

32
33 **No A** person may not raise, lift, transfer, possess or in any
34 manner molest any lobster trap, warp, buoy or car except as
35 provided in this section.

36
37 **1. Permitted activities.** Lobster traps, warps, buoys and
38 cars may be raised, lifted, transferred, possessed or otherwise
39 molested by the following:

- 40
41
42 A. A marine patrol officer;
43
44 B. The licensed owner;
45
46 C. Any person having written permission from the licensed
47 owner; and
48
49 D. Any person authorized by rule pursuant to subsection 2.
50

2 **2. Adoption of rules required.** The commissioner shall
3 ~~promulgate~~ adopt rules, no later than January 1, 1990,
4 authorizing the removal of traps, warps, buoys or cars that are
5 washed up above the mean low tide mark or are otherwise abandoned
6 or lost.

7 **3. Prohibition.** Traps, warps, buoys or cars may not be
8 used for fishing by any person other than the ~~licensed~~ owner
9 unless with written permission from the ~~licensed~~ owner.

10 **4. Additional penalty.** ~~If the holder of a lobster and crab~~
11 ~~fishing license~~ a person violates this section by cutting a
12 lobster trap line, the court shall:

13 A. Order that person to pay to the owner of the trap line
14 that was cut an amount equal to twice the replacement value
15 of all traps lost as a result of that cutting; and

16 B. Direct that person to provide proof of payment of that
17 restitution to the Commissioner of Marine Resources as
18 required by section 6402, subsection 1.

19 A penalty imposed under this subsection is in addition to any
20 penalty imposed under section 6204.

21 **Sec. 22. 12 MRSA §6435**, as amended by PL 1981, c. 433, §8, is
22 further amended to read:

23 **§6435. Setting near weirs**

24 It ~~shall be~~ is unlawful to set any lobster trap within 300
25 feet of the mouth of any fish weir when the weir owner or
26 operator is licensed under section ~~6501~~ 6501-A and when the weir
27 is licensed under Title 38, chapter 9.

28 **Sec. 23. 12 MRSA §6443**, as repealed and replaced by PL 1989,
29 c. 878, Pt. A, §32, is amended to read:

30 **§6443. Underwater storage**

31 Beginning January 1, 1990, any trap or other container used
32 for storing lobsters beneath the surface of the coastal waters
33 must be clearly marked with the wholesale seafood license number
34 ~~or the fishing license number~~ of the person storing the lobsters
35 or with the name and address of the person storing the lobsters.
36 Any trap or other container and the contents in it found in
37 violation of this section may be seized and the contents returned
38 to their natural habitat.

2 **Sec. 24. 12 MRSA §6445**, as enacted by PL 1993, c. 726, §1, is
amended to read:

4 **§6445. Logbooks for lobster harvesters**

6 The commissioner shall adopt rules requiring any person
7 ~~holding a lobster and crab fishing license~~ who fishes for or
8 takes lobsters and crabs to maintain a logbook. The rules must
10 indicate the type of data that must be recorded in the logbook,
the manner for producing the logbooks and the method for
12 analyzing data from the logbooks. The commissioner shall charge
a fee for the logbook that is sufficient to recover all costs
14 associated with the production of the logbook and the analysis of
the data. Fees received by the department from the sale of
16 logbooks are dedicated revenue and must be used by the department
for the purposes of this section. The logbook and data analysis
18 may be produced and conducted by the department or may be
produced and conducted by a public or private entity under
20 contract with the department. Disclosure of any data collected
under this section is subject to the confidentiality provisions
of section 6173.

22 **Sec. 25. 12 MRSA §6446, sub-§2**, as repealed and replaced by PL
24 1995, c. 568, §4, is amended to read:

26 **2. Rules for zones.** The commissioner may adopt rules for a
zone established under subsection 1 that place limits on lobster
28 and crab ~~fishing-license-holders~~ harvesters who fish in that zone
regarding the number of lobster traps fished and the time periods
30 allowed for complying with that number, the number of lobster
traps allowed on a trawl and the time of day when lobster fishing
32 may occur only when the rules were proposed by the lobster
management policy council established for that zone pursuant to
34 section 6447, subsection 1 and the proposed rules were approved
in a referendum pursuant to section 6447, subsection 6. The
36 commissioner may accept the rules proposed by a lobster
management policy council as reasonable and adopt those rules or
38 reject the council's proposed rules as unreasonable. The rules
adopted under this subsection by the commissioner must accurately
40 reflect the intent of the rules proposed by a lobster management
policy council but are not required to be a verbatim rendition of
42 the proposed rules.

44 **Sec. 26. 12 MRSA §6446, sub-§3**, as enacted by PL 1995, c. 468,
§8, is amended to read:

46 **3. Application of zone rules.** The commissioner may adopt
48 rules that define the application of zone rules to a person ~~who~~
~~holds a license under section 6421 and~~ who fishes for lobsters in
50 more than one zone.

2 **Sec. 27. 12 MRSA §6447, sub-§5**, as amended by PL 1995, c. 568,
3 §7, is further amended to read:

4
5 **5. Council authority.** Upon approval in a referendum under
6 subsection 6, a lobster management policy council may propose to
7 the commissioner rules for a zone to place the following
8 ~~limitations on lobster and crab fishing license holders that fish~~
9 harvesting in that zone, provided the proposed limitations are
10 equal to or stricter than the limitations under section 6431-A,
11 6431-D, 6439, 6439-A or 6440:

12 A. The number of lobster traps fished and the time periods
13 allowed for complying with that number;

14 B. The number of lobster traps allowed on a trawl; and

15 C. The time of day when lobster fishing may occur.

16
17
18 **Sec. 28. 12 MRSA §6447, sub-§7**, as enacted by PL 1995, c. 468,
19 §8, is amended to read:

20
21 **7. Council member and voter qualifications.** A person may
22 not be a member of a zone's lobster management policy council or
23 vote in a zone's council election or referendum unless that
24 person:

25 A. ~~Possesses a Class-I, Class-II or Class-III lobster and~~
26 ~~crab fishing license issued~~ Is the owner of a boat licensed
27 under section 6421 6421-B; and

28 B. Declared at the time of obtaining a ~~Class-I, Class-II or~~
29 ~~Class-III~~ a boat license under section 6421-B the zone in
30 which the ~~person~~ owner predominantly harvests lobsters. For
31 the purposes of this subsection, a ~~person~~ boat owner may
32 declare only one zone as the zone in which the ~~person~~ owner
33 predominantly harvests lobsters.

34
35
36
37
38
39 ~~The holder of a lobster and crab fishing license issued under~~
40 ~~section 6421~~ A person may fish for lobsters in any zone.

41 **Sec. 29. 12 MRSA §6451, sub-§1**, as amended by PL 1997, c. 19,
42 §4, is further amended to read:

43
44 **1. Allocation of license fees.** ~~Ten dollars of each \$93~~
45 ~~fee, \$20 of each \$186 fee, \$30 of each \$279 fee and \$5 of each~~
46 ~~\$46 fee for each lobster and crab fishing license~~ A 5% annual
47 surcharge must be assessed on lobster and crab fishing licenses
48 and allocated to the Lobster Fund, which must be used for the
49 purposes of lobster biology research, of propagation of lobsters
50

2 by liberating seed lobsters and female lobsters in Maine coastal
waters and of establishing and supporting lobster hatcheries.

4 **Sec. 30. 12 MRSA §6451, sub-§8**, as enacted by PL 1995, c. 468,
§9, is repealed.

6 **Sec. 31. 12 MRSA §6455, sub-§2**, as amended by PL 1993, c. 545,
8 §2, is further amended to read:

10 **2. Qualifications of members.** From each district, 3
members must be appointed who meet the following criteria:

12 A. One person who is a full-time harvester ~~and who has held~~
14 ~~a valid lobster and crab fishing license for at least 5~~
~~consecutive years;~~

16 B. One person who is a dealer or pound operator and who:

18 (1) Has held a valid wholesale shellfish license or
20 lobster transport license for a period of at least 5
consecutive years; or

22 (2) Is the manager of, or an officer in, a business
24 entity operating in the State that holds a valid
wholesale shellfish license or lobster transport
26 license; and

28 C. One person who is a public member.

30 A person is eligible for appointment to the council from a
district only if that person is a resident of the district or if
32 that person's place of business is located within the district.

34 **Sec. 32. 12 MRSA §6455, sub-§5**, as amended by PL 1997, c. 211,
§3, is further amended to read:

36 **5. Fund established; license surcharge assessed.** The
38 Lobster Promotion Fund, referred to in this subchapter as the
"fund," is established to carry out the purposes of this
40 subchapter. The department shall pay to the fund all money
appropriated or received by the department for the purposes of
42 this subchapter, except that the department may retain funds
necessary to reimburse the department for the actual cost of
44 collecting the license surcharges established in this
subsection. The fund is capitalized from ~~the following a 5%~~
46 ~~annual surcharges surcharge~~ assessed on ~~the following lobster and~~
~~crab fishing boat~~ licenses issued by the department for calendar
48 years ~~1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999,~~ 2000 and
2001:

50

- 2 A. ~~Class I crab and lobster licenses for persons 18 to 69~~
 years-of-age, \$25;
- 4 B. ~~Class II crab and lobster licenses, \$50;~~
- 6 C. ~~Class III crab and lobster licenses, \$75;~~
- 8 D. ~~Wholesale seafood licenses with lobster permits, \$200;~~
- 10 E. ~~Lobster transportation licenses, \$200.~~

12 A ~~person holding more than one of the licenses listed in this~~
 14 sub~~section is assessed a surcharge only on the highest~~
 surchargeable license held.

16 The Treasurer of State shall hold all surcharges assessed by this
 18 sub~~section~~ in the fund and invest all money in the fund until
 20 disbursed to the council upon request of the council. Interest
 from investments accrues to the fund.

22 All money in the fund is subject to allocation by the
 24 Legislature. Unexpended balances in the fund at the end of the
 fiscal year may not lapse but must be carried forward to be used
 for the same purposes.

26 In addition to payment of the regular license fee and the
 28 surcharge, a person purchasing a license subject to the
 surcharges established in this subsection may make voluntary
 30 contributions to the fund at the time the license is purchased.
 Voluntary contributions received by the department from a
 32 licensee pursuant to this subsection must be deposited in the
 fund by the department and must be used by the council for the
 34 purposes of this subchapter.

36 **Sec. 33. 21 MRSA §6473**, as enacted by PL 1997, c. 574, §4, is
 amended to read:

38 **§6473. Fishing in other waters**

40 1. **Limitations.** A person boat registered for use in the
 42 Monhegan Lobster Conservation Area ~~trap tags under section 6474~~
 may not be used to fish for or take lobsters:

- 44 A. In the State's 3-mile territorial sea at any time,
 except in that portion of the coastal waters designated
 46 under section 6471 as the Monhegan Lobster Conservation Area
 during the open season established for the area under
 48 section 6472; and

2 B. In federal waters during the Monhegan Lobster
Conservation Area closed season.

4 Sec. 34. 12 MRSA §6474, sub-§§3, 4, 5, 6 and 7, as enacted by PL
1997, c. 574, §4, are repealed.

6 Sec. 35. 12 MRSA §§6475, 6476 and 6477, as enacted by PL 1997,
8 c. 574, §4, are repealed.

10 Sec. 36. 12 MRSA §6478 is enacted to read:

12 **§6478. Boat use in Monhegan Lobster Conservation Area**

14 **1. Limitation.** A boat may not be used in the Monhegan
Lobster Conservation Area to fish for or take lobsters unless:

16 A. A person issued a license under section 6421-B for that
18 boat documents to the commissioner that the boat was used in
20 the area during the 1999 open season to fish for or take
lobsters;

22 B. A person issued a license under section 6421-B for that
24 boat documents to the commissioner that the boat is a
replacement vessel for a boat used in the area during the
26 1999 open season to fish for or take lobsters; or

28 C. The boat is issued a license under section 6421-B and is
admitted for use in the area pursuant to subsection 2.

30 The commissioner shall register each boat that meets the criteria
32 of this section and is used to fish for or take lobsters in the
Monhegan Lobster Conservation Area. A boat owner shall have on
34 board the certificate of registration when the boat is used to
fish for or take lobsters in the area.

36 **2. Admittance of new boats.** A boat that was not used in
38 the Monhegan Lobster Conservation Area during the 1999 open
season to fish for or take lobsters may be used to fish for or
take lobsters in the area if:

40 A. The boat is documented under subsection 1, paragraph A
42 or is a replacement vessel documented under subsection 1,
44 paragraph B and is no longer used to fish for or take
lobsters in the area; and

46 B. The boat has been listed in the boat registry
48 established in this paragraph longer than any other boat has
been listed. The commissioner shall maintain a registry of
50 boats for which the persons who own the boats have requested
admittance into the area for use to fish for or take

2 lobsters. Each boat included in the registry must be listed
3 according to the time and date the commissioner received a
4 written request from the person who owns the boat for
5 admittance to the area.

6 Sec. 37. 12 MRSA §6501, as amended by PL 1997, c. 19, §5, is
7 repealed.

8 Sec. 38. 12 MRSA §6501-A is enacted to read:

10 §6501-A. Commercial fishing boat license

12 1. Boat requirements. It is unlawful for a person to use a
13 boat to fish for or take fish unless:

14 A. That boat carries a commercial fishing license issued by
15 the commissioner;

16 B. The license for that boat is purchased by and in the
17 name of the person who owns the boat; and

18 C. Except as provided under section 6311, the boat owner or
19 a family member of the boat owner is on board that boat when
20 the boat is used to harvest fish.

21 2. Permitted activities. A person on board a boat that
22 complies with subsection 1 may fish for or take fish or possess,
23 ship, transport or sell fish that the person has taken.

24 3. Exemptions. The following acts are exempt from the
25 licensing requirements of this section.

26 A. A person may fish for, take, possess or transport any
27 species of fish if the fish have been taken by speargun,
28 harpoon, minnow trap, hand dip net or hook and line and are
29 only for personal use.

30 B. A person may fish for, take, possess or transport
31 halibut if the halibut have been taken by tub-trawl and are
32 only for personal use.

33 C. A person may fish for, take, possess, ship, transport or
34 sell smelts if the smelts have been taken by hook and line
35 through the ice.

36 4. Fees. Fees for commercial fishing licenses are
37 established under section 6310.

38 5. Definition. For the purposes of this chapter, "fish"
39 means all marine finfish, squid and shrimp and other marine
40 species.

2 animals, except lobsters, crabs, sea urchins, shellfish,
scallops, marine worms, elvers and eels.

4 6. Owner liability. A boat owner on board a boat licensed
under this section is liable for the activities authorized under
6 this section of all persons on board that boat.

8 Sec. 39. 12 MRSA §6525-A, sub-§1, as enacted by PL 1983, c.
731, §2, is amended to read:

10 1. Setting nets or seines near weirs. It is unlawful for
12 any person, other than the weir owner or his the weirs owner's
14 crew members, to set or assist in setting any net or seine within
16 2,000 feet of the mouth of a weir in operating condition whose
operator is validly licensed under section ~~6501~~ 6501-A and when
the weir is licensed under Title 38, chapter 9.

18 Sec. 40. 12 MRSA §6601, as amended by PL 1993, c. 281, §1, is
repealed.

20 Sec. 41. 12 MRSA §6602 is enacted to read:

22 §6602. Shellfish handfishing and raking license

24 1. Boat requirements. It is unlawful for any person to
26 engage in the activities authorized under this section without a
current shellfish handfishing and raking license or other license
28 issued under this Part authorizing the activities.

30 2. Licensed activities. The holder of a shellfish
32 handfishing and raking license may fish for or take shellfish by
hand or rake or possess, ship or transport within the state
34 limits or sell shellstock the holder has taken. The holder may
also shuck, in the holder's home, shellfish the holder has taken
36 and sell those shucked shellfish from that home in the retail
trade. This license does not authorize the holder to fish for or
38 take shellfish in violation of a municipal ordinance adopted
pursuant to section 6671.

40 3. Eligibility. A shellfish handfishing and raking license
42 may only be issued to an individual who is a resident of the
State.

44 4. Personal use exception. A person may take or possess no
46 more than a 1/2 bushel of shellfish or 3 bushels of hen or surf
clams for personal use in one day without a license unless
48 municipal ordinances further limit the taking of shellfish.

50 5. Fee. The fee for a shellfish handfishing and raking
license is \$63.

2 6. Definition. For the purposes of this subchapter,
4 "shellfish" means clams, quahogs other than mahogany quahogs and
 oysters and includes shellstock and shucked shellfish.

6 7. Penalty. Notwithstanding the provisions of Title 17-A,
8 section 4-B, a person who violates this section commits a crime
 punishable by:

10 A. For the first offense, a fine of not less than \$300 and
12 not more than \$1,500; and

14 B. For subsequent offenses, a fine of not less than \$500
 and not more than \$1,500.

16 The court may not suspend a fine imposed under this subsection.

18 Sec. 42. 12 MRSA §6603 is enacted to read:

20 §6603. Shellfish boat license

22 1. Boat requirements. It is unlawful for a person to use a
24 boat to fish for or take shellfish unless:

26 A. That boat carries a shellfish boat license issued by the
 commissioner under this section;

28 B. The license for that boat is purchased by and in the
30 name of the person who owns the boat; and

32 C. Except as provided under section 6311, the boat owner or
34 a family member of the boat owner is on board that boat when
 the boat is used to harvest shellfish.

36 2. Permitted activities. A person on board a boat that
38 complies with subsection 1 may fish for or take shellfish or
40 possess, ship or transport within the state limits or sell
42 shellstock, the holder has taken. The person may also shuck, in
44 the person's home, shellfish the person has taken and sell those
 shucked shellfish from that home in the retail trade. This
 license does not authorize the holder to fish for or take
 shellfish in violation of a municipal ordinance adopted pursuant
 to section 6671.

46 3. Eligibility. A shellfish boat license may only be
48 issued to an individual who is a resident of the State or to a
 commercial entity that is headquartered or incorporated in the
 State.

2 4. Fee. The fee for a shellfish boat license is
established under section 6310.

4 5. Owner liability. A boat owner on board a boat licensed
under this section is liable for the activities authorized under
6 this section of all persons on board that boat.

8 6. Penalty. Notwithstanding the provisions of Title 17-A,
section 4-B, a person who violates this section commits a crime
10 punishable by:

12 A. For the first offense, a fine of not less than \$300 and
not more than \$1,500; and

14 B. For subsequent offenses, a fine of not less than \$500
16 and not more than \$1,500.

18 The court may not suspend a fine imposed under this subsection.

20 Sec. 43. 12 MRSA §6625, as enacted by PL 1993, c. 497, §3, is
amended to read:

22 **§6625. Identification and tagging of shellfish**

24 1. **Tagging required.** ~~The holder of a commercial~~
26 ~~shellfishing license issued under section 6601~~ A person who
harvests shellfish pursuant to section 6602 or 6603 shall
28 identify shellfish the ~~license-holder~~ person has taken by means
of a harvester's tag. The tag must be consistent with the format
30 required by the department under rules adopted under this
section. Each container, hod or bag of shellstock must be tagged
32 prior to landing the shellstock. The tag must accompany the
harvested product while the product is in wholesale or retail
34 commerce within the State.

36 2. **Exception.** ~~A commercial-shellfish-license-holder~~ person
who is certified under section 6856 is not required to tag
38 shellfish at the time of harvest.

40 3. **Rules.** The commissioner may adopt or amend rules that
establish requirements for shellfish harvesters' tags.

42 Sec. 44. 12 MRSA §6671, sub-§3-A, ¶A, as amended by PL 1993,
44 c. 456, §1, is amended to read:

46 A. A person is not required to hold a shellfish license
issued by the commissioner under section ~~6601~~ 6602 or 6603
48 in order to obtain a municipal commercial license. A
municipality may issue licenses under this section
50 regardless of whether or not the area has been closed by the

2 commissioner. A person taking shellfish from a closed area
3 for depuration under a depuration certificate issued by the
4 commissioner is not required to hold a municipal shellfish
license.

6 **Sec. 45. 12 MRSA §6702**, as amended by PL 1997, c. 572, §2, is
7 repealed.

8 **Sec. 46. 12 MRSA §6702-A** is enacted to read:

10 **§6702-A. Scallop boat license**

12 **1. Boat requirements.** It is unlawful for a person to use a
14 boat to fish for or take scallops unless:

16 A. That boat carries a scallop boat license issued by the
18 commissioner;

20 B. The license for that boat is purchased by and in the
name of the person who owns the boat; and

22 C. Except as provided under section 6311, the boat owner or
24 a family member of the boat owner is on board that boat when
the boat is used to harvest scallops.

26 **2. Permitted activities.** A person on board a boat that
28 complies with subsection 1 may fish for or take scallops or
possess, ship or transport within the state limits scallops and
30 sell scallops the person has taken.

32 **3. Handfishing and tender requirement.** It is unlawful for
34 a person to operate a boat as a platform for the harvesting of
scallops by hand, to act as a diving tender on a boat engaged as
36 a platform for the harvesting of scallops by hand or to possess,
ship, transport or sell scallops unless that person is licensed
under section 6535, 6536 or 6701.

38 **4. Eligibility.** A scallop boat license may only be issued
40 to an individual who is a resident of the State or to a
commercial entity that is headquartered or incorporated in the
42 State.

44 **5. Exception.** In any one day, any person licensed pursuant
46 to section 6703 may take or possess not more than 2 bushels of
shell scallops or 4 quarts of shucked scallops for personal use
without a scallop boat license under this section.

48 **6. Fee.** The fee for a scallop boat license is established
50 under section 6310.

2 7. Owner liability. A boat owner on board a boat licensed
3 under this section is liable for the activities authorized under
4 this section of all persons on board that boat.

6 **Sec. 47. 12 MRSA §6731**, as amended by PL 1991, c. 591, Pt. T,
7 §9, is repealed.

8 **Sec. 48. 12 MRSA §§6731-B and 6731-C** are enacted to read:

10 **§6731-B. Mahogany quahog handfishing and raking license**

12 1. Requirements. It is unlawful for any person to engage
13 in the activities authorized by this section without a current
14 mahogany quahog handfishing and raking license or other license
15 issued under this Part authorizing the activities.

16 2. Licensed activities. The holder of a mahogany quahog
17 handfishing and raking license may:

20 A. Fish for or take mahogany quahogs by hand or with a rake
21 in any harvesting area indicated on the license;

22 B. Possess, ship or transport mahogany quahogs within the
23 State; or

26 C. Sell mahogany quahogs that the holder has taken.

28 3. Personal use exception. A person may take or possess no
29 more than 3 bushels of mahogany quahogs for personal use in one
30 day without a license.

32 4. Fee. The fee for a mahogany quahog handfishing and
33 raking license is \$89. Fees collected pursuant to this
34 subsection must be deposited in the General Fund.

36 5. Conditions. Each licensee may participate in the
37 monitoring program established in section 6731-A within the
38 harvest area indicated on the license. The holder of a mahogany
39 quahog license shall comply with all other conditions of
40 licensing established by the commissioner.

42 **§6731-C. Mahogany quahog boat license**

44 1. Boat requirements. It is unlawful for any person to use
45 a boat to fish for or take mahogany quahogs unless:

46 A. That boat carries a mahogany quahog boat license issued
47 by the commissioner;

2 B. The license for that boat is purchased by and in the
3 name of the person who owns the boat; and

4 C. Except as provided under section 6311, the boat owner or
5 a family member of the boat owner is on board that boat when
6 the boat is used to harvest mahogany quahogs.

8 2. Permitted activities. A person on board a boat that
9 complies with subsection 1 may:

10 A. Fish for or take mahogany quahogs in any harvesting area
11 indicated on the license;

12 B. Possess, ship or transport mahogany quahogs within the
13 state limits; or

14 C. Sell mahogany quahogs that the person has taken.

16 3. Fee. The fee for a mahogany quahog boat license is
17 established under section 6310.

18 4. Conditions. A person who holds a mahogany quahog boat
19 license may participate in the monitoring program established in
20 section 6731-A within the harvest area indicated on the license.
21 That person shall comply with all other conditions of licensing
22 established by the commissioner.

23 5. Owner liability. A boat owner on board a boat licensed
24 under this section is liable for the activities authorized under
25 this section of all persons on board that boat.

26 Sec. 49. 12 MRSA §6746, as amended by PL 1991, c. 591, Pt. T,
27 §11, is repealed.

28 Sec. 50. 12 MRSA §6746-A is enacted to read:

29 §6746-A. Mussel boat license

30 1. Boat requirements. It is unlawful for any person to use
31 a boat to fish for or take mussels unless:

32 A. That boat carries a mussel boat license issued by the
33 commissioner;

34 B. The license for that boat is purchased by and in the
35 name of the person who owns the boat; and

36 C. Except as provided under section 6311, the boat owner or
37 a family member of the boat owner is on board that boat when
38 the boat is used to harvest mussels.

2 2. Permitted activities. A person on board a boat that
4 complies with subsection 1 may fish for or take mussels or
 possess, ship or transport within the state limits mussels and
6 sell mussels the license holder has taken.

8 3. Eligibility. A mussel boat license may only be issued
10 to an individual who is a resident of this State or to a
 commercial entity that is headquartered or incorporated in the
 State.

12 4. Exception. In any one day, a person may take or possess
14 not more than 2 bushels of shell mussels for personal use without
 a mussel boat license.

16 5. Fee. The fee for a mussel boat license is established
18 under section 6310.

20 6. Owner liability. A boat owner on board a boat licensed
 under this section is liable for the activities authorized under
22 this section of all persons on board that boat.

24 Sec. 51. 12 MRSA §6748-A, as amended by PL 1993, c. 740, §1,
 is repealed.

26 Sec. 52. 12 MRSA §6748-E is enacted to read:

28 §6748-E. Sea urchin boat license

30 1. Boat requirements. It is unlawful for a person to use a
32 boat to fish for or take sea urchins unless:

34 A. That boat carries a sea urchin boat license issued by
 the commissioner;

36 B. The license for that boat is purchased by and in the
38 name of the person who owns the boat; and

40 C. Except as provided under section 6311, the boat owner or
42 a family member of the boat owner is on board that boat when
 the boat is used to harvest sea urchins.

44 2. Permitted activities. A person on board a boat that
46 complies with subsection 1 may fish for or take sea urchins and
 possess, ship or transport within the state limits sea urchins
 that person has taken.

48 3. Handfishing and tender requirement. It is unlawful for
50 a person to operate a boat as a platform for the harvesting of
 sea urchins by hand, to act as a diving tender on a boat engaged

2 as a platform for the harvesting of sea urchins by hand or to
3 possess, ship, transport or sell sea urchins unless that person
4 is licensed under section 6535 or 6748.

6 4. Eligibility. A sea urchin boat license may only be
7 issued to an individual who is a resident of the State or to a
8 commercial entity that is headquartered or incorporated in the
9 State.

10 5. Fee. The fee for a sea urchin boat license is
11 established under section 6310.

14 6. Owner liability. A boat owner on board a boat licensed
15 under this section is liable for the activities authorized under
16 this section of all persons on board that boat.

18 **Sec. 53. 12 MRSA §6749**, as repealed and replaced by PL 1995,
19 c. 392, §5, is amended to read:

20 **§6749. Sea urchin harvesting season**

22 It is unlawful for a person to fish for or take sea urchins
23 from May 1st to August July 31st.

24 **Sec. 54. 12 MRSA §6749-O**, as amended by PL 1997, c. 685, §§2
25 and 3, is repealed.

28 **Sec. 55. 12 MRSA §6749-P**, as amended by PL 1997, c. 685, §4,
29 is further amended to read:

30 **§6749-P. Licenses by zone**

32 A person ~~eligible to purchase a license under section 6749-O~~
33 who purchases a license under section 6748 or 6748-E may purchase
34 these licenses that license only for Zone 1 or Zone 2. All of
35 these sea urchin licenses issued to any one person in any one
36 year must be for the same zone. A person may not change from the
37 zone in which the person harvested sea urchins in the previous
38 calendar year unless the change is authorized in accordance with
39 section 6749-Z. A handfishing sea urchin license, a sea urchin
40 hand-raking and trapping license or a sea urchin dragging boat
41 license authorizes the licensed activity only in the zone for
42 which it is issued. A sea urchin dragging boat license must list
43 the documentation or registration number of the vessel to be used
44 by that licensee when dragging. A vessel documentation number or
45 registration number may not be listed on more than one sea urchin
46 boat license boat.

48 **Sec. 56. 12 MRSA §6749-Q, sub-§2**, as enacted by PL 1993, c.
49 740, §3, is repealed.

2 **Sec. 57. 12 MRSA §6749-Q, sub-§2-A**, is enacted to read:

4 **2-A. Sea urchin boat license.** Five percent of the license
6 fee for a sea urchin boat license:

8 **Sec. 58. 12 MRSA §6749-X, sub-§1, ¶¶C and D**, as enacted by PL
10 1995, c. 595, §5, are further amended to read:

12 C. Three sea urchin harvesters who held-a-current fish by
14 dragging for sea urchin urchins in draggers-license-for Zone
16 1;

18 D. Three sea urchin harvesters who held-a-current fish by
20 dragging for sea urchin urchins in draggers-license-for Zone
22 2;

24 **Sec. 59. 12 MRSA §6749-Z**, as amended by PL 1997, c. 685, §13,
26 is further amended to read:

28 **§6749-Z. Changing zones**

30 1. **Authorization of changes.** Beginning in calendar year
32 1997, a person ~~eligible-to-purchase-a-license-under-section~~
34 6749-Q who wishes to change the zone in which the person harvests
36 sea urchins or the designation for a boat licensed under section
38 6748-E may not change zones or change the designation of the boat
40 unless the change is authorized by the commissioner in accordance
42 with this section.

44 2. **Zone change request on application.** A person ~~eligible~~
46 ~~to-purchase-a-license-under-section-6749-Q~~ who wishes to change
48 the zone in which ~~that person was licensed to harvest~~ the person
50 harvests sea urchins or the designation for a boat licensed under
 section 6748-E used to harvest sea urchins in the previous
 calendar year must indicate on a sea urchin harvesting license
 application a preference to change the zone in which the person
 harvests sea urchins or in which the boat is used or change the
 designation of the boat. The commissioner shall stamp each sea
 urchin harvesting license application with the time and date of
 submission.

 3. **Conditions for authorization.** The commissioner shall
 authorize zone change requests for a zone if the number of
 licenses issued for that type of license in that zone in the
 previous calendar year is less than the number of licenses issued
 for that type of license in that zone in the year before the
 previous calendar year. The total number of authorized change
 requests for a zone during a licensing year may not exceed the
 number by which the number of licenses issued for that type of

2 license in that zone in the previous calendar year is less than
3 the number of licenses issued for that type of license in that
4 zone in the year before the previous calendar year. The
5 commissioner shall authorize zone change requests in
6 chronological order of requests received under this section.

7 **Sec. 60. Effective date.** This Act takes effect January 1, 2000.
8

10

SUMMARY

12

13 This bill requires that boats, instead of individuals, be
14 licensed for harvesting marine organisms. It allows any person
15 to fish for a marine organism from a boat that is licensed for
16 the harvesting of that marine organism. It requires the owner of
17 the boat to be on board the boat when it is used for fishing. It
18 provides exemptions to that requirement under certain
19 circumstances. The owner is liable for the activities of any
20 person who fishes from the owner's boat.

20

21 The bill also repeals limited-entry provisions in the
22 lobster and sea urchin fisheries.

24

25 The bill also makes a variety of technical changes to the
26 marine resources laws to reflect the changing of certain license
requirements from licensing individuals to licensing boats.