

# MAINE STATE LEGISLATURE

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MARINE RESOURCES

Reported by:

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STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 921, L.D. 2372, Bill, "An Act to Regulate the Sea Cucumber Fishery"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. 12 MRSA c. 623, sub-c. IV, art. 2 is enacted to read:

Article 2

LIMITS ON FISHING

§6811. Sea cucumber harvesting season

Unless modified by rules adopted under section 6171-A, it is unlawful for a person to fish for or take sea cucumbers from July 1st to September 30th, both days inclusive.

§6812. Sea cucumber drag

1. Drag width. It is unlawful to utilize a drag to fish for or take sea cucumbers that exceeds 5 feet, 6 inches in width, measured from extreme outside edge to extreme outside edge.

2. Configuration of drag. The commissioner shall adopt rules that describe the type of drag that may be used to fish for or take sea cucumbers, including, but not limited to, limitations on the type or size of drag components. Such rules are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

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**§6813. Sea Cucumber Management Fund**

1. Fund established. The Sea Cucumber Management Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund within the department. The commissioner may receive on behalf of the fund money from any source for the purposes described in subsection 2. All money received into the fund must be used for the purposes of the fund. Unexpended balances in the fund at the end of the fiscal year may not lapse but must be carried forward to the next fiscal year to be used for the purposes of the fund. Any interest earned on the money in the fund must be credited to the fund.

2. Purposes of fund. The commissioner shall use the fund to research and manage the State's sea cucumber fishery and to enforce the laws related to sea cucumbers.

**Sec. 2. Legislation.** The joint standing committee of the Legislature having jurisdiction over marine resources matters may report out a bill regarding regulation of the sea cucumber fishery to the Second Regular Session of the 120th Legislature.

**Sec. 3. Rules.** The Commissioner of Marine Resources shall adopt rules in accordance with the Maine Revised Statutes, Title 12, section 6812, subsection 2 no later than September 30, 2000.

**Sec. 4. 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 \$500

Provides for the allocation of funds for the Sea Cucumber Management Fund to research and manage the State's sea cucumber fishery and to enforce the laws related to sea cucumbers.'

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

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2000-01

APPROPRIATIONS/ALLOCATIONS

Other Funds \$500

The bill includes an Other Special Revenue funds allocation of \$500 for fiscal year 2000-01 for the Sea Cucumber Management Fund within the Department of Marine Resources. The amount of dedicated revenues that will be collected for this fund can not be determined at this time. The additional costs associated with adopting rules can be absorbed by the Department of Marine Resources utilizing existing budgeted resources.

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 \$83.36 per day per prisoner. 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 replaces the bill. The amendment closes the sea cucumber fishery to harvesting from July 1st to September 30th of each year. The amendment prohibits the use of a drag to fish for sea cucumbers that exceeds 5 feet, 6 inches in width and requires the Commissioner of Marine Resources to adopt rules no later than September 30, 2000 that describe the type of drag that may be used to fish for or take sea cucumbers.

The amendment establishes, but does not fund, the Sea Cucumber Management Fund to be used to research and manage the State's sea cucumber fishery and to enforce the laws related to sea cucumbers. The amendment authorizes the joint standing committee of the Legislature having jurisdiction over marine resources matters to report out a bill regarding regulation of the sea cucumber fishery to the Second Regular Session of the 120th Legislature. The amendment adds an allocation section and a fiscal note to the bill.