

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2372

S.P. 921

In Senate, January 12, 2000

**An Act to Regulate the Sea Cucumber Fishery.**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 VOLENIK of Brooklin and  
Representatives: ETNIER of Harpswell, STANWOOD of Southwest Harbor.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           **Whereas,** the sea cucumber fishery is a new fishery; and

6           **Whereas,** the fishery is being intensively harvested; and

8           **Whereas,** there is inadequate scientific data to assess the  
10 impact of harvesting on the resource or the ecosystem; and

12           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
14 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
16 safety; now, therefore,

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

20           **Sec. 1. 12 MRSA §§6808 to 6813** are enacted to read:

22           **§6808. Sea cucumber boat license**

24           **1. License required.** It is unlawful for a person to use a  
boat for dragging for sea cucumbers unless that boat carries a  
26 sea cucumber boat license issued by the commissioner.

28           **2. Licensed activity.** A boat licensed under this section  
may be used for dragging for sea cucumbers and to possess, ship,  
30 sell or transport sea cucumbers under the license. The license  
also authorizes the captain and crew members aboard the licensed  
32 boat when engaged in dragging for sea cucumbers to undertake  
these activities.

34           **3. Eligibility.** A sea cucumber boat license is only issued  
36 to an individual and must be a resident license.

38           **4. Fees.** The fee for a sea cucumber boat license is \$289,  
of which \$89 is for a general commercial fishing permit. The  
40 balance of \$200 accrues to the Sea Cucumber Management Fund  
established in section 6812.

42           **§6809. Closed areas**

44           Unless modified by rules adopted under section 6171-A, it is  
46 unlawful to fish for or take sea cucumbers in the coastal waters  
from April 16th to November 30th, both days inclusive.

48           **§6810. Drag**

2        It is unlawful to fish for or take sea cucumbers with  
3        anything other than an urchin drag.

4  
5        **§6811. Drag width**

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7        It is unlawful from December 1st to April 15th for a person  
8        to possess or utilize on any vessel fishing for sea cucumbers in  
9        the coastal waters a drag or any combination of drags that  
10       measures in excess of 5 feet, 6 inches across from one extreme  
11       outside edge of the mouth of the drag or combination of drags to  
12       the opposite extreme outside edge.

13       **§6812. Sea Cucumber Management Fund; established**

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15       The Sea Cucumber Management Fund is established as a  
16       dedicated, nonlapsing fund.

17  
18       **§6813. Permissible uses**

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20       The commissioner may use the Sea Cucumber Management Fund to  
21       research and manage the State's sea cucumber resources and to  
22       enforce the laws related to sea cucumbers.

23       **Sec. 2. 12 MRSA §6851, sub-§2-E and 2-F are enacted to read:**

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25       **2-E. Wholesale seafood license with sea cucumber buyer's**  
26       **permit.** At the request of the applicant, the commissioner shall  
27       issue a wholesale seafood license with a sea cucumber buyer's  
28       permit. A person holding a wholesale seafood license with a  
29       cucumber buyer's permit may engage in all the activities in  
30       subsection 2 and may buy, sell, ship or transport whole sea  
31       cucumbers. A license under this subsection does not authorize a  
32       person to engage in the processing of sea cucumbers or to buy,  
33       sell, ship or transport sea cucumber parts.

34  
35       **2-F. Wholesale seafood license with sea cucumber**  
36       **processor's permit.** At the request of the applicant, the  
37       commissioner shall issue a wholesale seafood license with a sea  
38       cucumber processor's permit. A person holding a wholesale  
39       seafood license with a sea cucumber processor's permit may engage  
40       in all the activities in subsection 2 and may buy, sell, process,  
41       ship or transport whole sea cucumbers or sea cucumber parts.

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43       **Sec. 3. 12 MRSA §6851, sub-§6, as amended by PL 1999, c. 491,**  
44       **§6 and affected by §9, is further amended to read:**

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

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A. Two hundred seventeen dollars for a wholesale seafood license or a wholesale seafood license with a lobster permit, sea urchin buyer's permit, shrimp permit or sea urchin processor's permit; and

B. Forty-three dollars for each supplemental license; and

C. Five hundred dollars for a wholesale seafood license with a sea cucumber buyer's permit and \$2,500 for a wholesale seafood license with a sea cucumber processor's permit.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect on April 1, 2000.

**SUMMARY**

This bill regulates the season and harvesting method for the sea cucumber industry and provides for research on the animal and the appropriate level of harvesting for a sustainable fishery.