

MAINE STATE LEGISLATURE

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MARINE RESOURCES

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**STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 299, L.D. 1010, Bill, "An Act to Manage the Sea Urchin Fishery"

Amend the bill by inserting after section 4 the following:

'Sec. 5. 12 MRSA §6748-A, sub-§1, as amended by PL 1993, c. 740, §1, is repealed and the following enacted in its place:

1. License required. It is unlawful for a person to engage in the activities authorized under this section without a current sea urchin dragging license.

Sec. 6. 12 MRSA §6748-A, sub-§2, as enacted by PL 1993, c. 416, §2, is repealed and the following enacted in its place:

2. Licensed activity. The holder of a sea urchin dragging license may use the vessel named on the holder's license to drag for sea urchins. The license also authorizes the captain and crew members aboard the vessel named on the license to drag for and possess, ship, transport and sell sea urchins, except that the captain and crew members may not drag for sea urchins if the license holder is not aboard the vessel.

Sec. 7. 12 MRSA §6748-A, sub-§§2-A and 2-B are enacted to read:

2-A. Change of named individual. A person who is the owner of a vessel named on a sea urchin dragging license in 2000 but not the individual named on that license may apply to the commissioner to be the individual named on that sea urchin dragging license in 2002. The person must provide written notarized documentation to the commissioner authorizing the

change in license name by the individual who was named on that license in 2000. If no such request is received by the commissioner by December 1, 2001, then the individual named on the 2002 sea urchin dragging license will be the same as the individual named on the 2001 sea urchin dragging license and no future changes of the named individual will be permitted.

2-B. Exemptions. Notwithstanding subsection 2, the commissioner may authorize a person to fish for or take sea urchins from a vessel when the person holding a sea urchin dragging license that contains the name of that vessel is not on board if:

A. The holder of the sea urchin dragging license documents to the commissioner that an illness or disability temporarily prevents the license holder from fishing for or taking sea urchins from that vessel and requests in writing to the commissioner that the commissioner authorize another person to use that vessel to fish for or take sea urchins from the vessel;

B. The vessel named on the license of a license holder is temporarily inoperable because of an accident or a mechanical failure and the license holder requests in writing to the commissioner that the commissioner authorize the license holder to use another vessel to fish for or take sea urchins; or

C. An individual documents to the commissioner that the individual has held or leased more than one sea urchin dragging license for 3 consecutive years, was the owner of the vessels named on those licenses during those same years and is currently the owner of the vessels named on those licenses. Under this paragraph, the commissioner may renew each license held by the eligible individual if the vessel named on that license is unchanged from the vessel named on the license in 2000.'

Further amend the bill by striking out all of sections 6 and 7 and inserting in their place the following:

'Sec. 6. 12 MRSA §6749-A, as enacted by PL 1993, c. 416, §2, is amended to read:

§6749-A. Minimum size

It is unlawful for a person to take, possess, ship, transport, buy or sell a sea urchin having a shell measuring less than 2 inches in the longest diameter, exclusive of spines. A violation of this section does not occur if a harvested sea urchin measuring less than 2 inches in the longest diameter is

culled on board immediately after harvesting and is liberated
alive into the marine waters. The department may adopt rules to
provide for an increase in the minimum size after consultation
with the Sea Urchin Zone Council. Rules adopted pursuant to this
section are routine technical rules as defined in Title 5,
chapter 375, subchapter II-A.

Sec. 7. 12 MRSA §6749-N, as amended by PL 1997, c. 685, §1,
is further amended to read:

§6749-N. Closed areas; zone identification

Notwithstanding section 6749, it is unlawful for a person to
fish for or take sea urchins from:

1. **Zone 1.** Zone 1, from May 1st to July 31st. For the
purposes of this article, "Zone 1" means all coastal waters west
of a line beginning at the easternmost point of Fort Point State
Park on Cape Jellison then running southwesterly to channel
marker #1 south of Sears Island, then running southwesterly to
channel marker BW "11" located between Marshall's Point and
Bayside in the Town of Northport, then running southwesterly to
channel marker #9 east of Great Spruce Head located in the Town
of Northport, then running southerly to Graves channel marker
northeast of the Town of Camden, then running southeasterly to
the Penobscot Bay Buoy east of Rockland harbor, then running
southerly to the TB1 whistle southwest of Junken Ledge, then
running southeasterly to Red Nun #10 buoy at Foster Ledges, then
running due south magnetic to the boundary of the State's coastal
waters; and

2. **Zone 2.** Zone 2, from May 1st to July 31st. For the
purpose of this article, "Zone 2" means all coastal waters east
of that line established in subsection 1, including all coastal
waters of the Penobscot River north of Fort Point State Park.

The commissioner shall report annually to the joint standing
committee of the Legislature having subject matter jurisdiction
over marine resource matters on the quantity and type of sea
urchin licenses sold in each zone in each year.

3. **Conservation areas.** The commissioner may adopt rules to
establish conservation areas pursuant to section 6171 for the
purposes of sea urchin research that are considered closed areas
for the purpose of this section. Fishing for sea urchins in a
conservation area adopted through the department for sea urchin
research is considered a violation of this subchapter and subject
to the penalties under section 6749-Y. Rules adopted pursuant to
this subsection are routine technical rules as defined in Title
5, chapter 375, subchapter II-A.

2 **Sec. 8. 12 MRSA §6749-O, sub-§§2-A and 2-B,** as enacted by PL
4 1997, c. 685, §3, are amended to read:

6 **2-A. License eligibility.** The commissioner may not issue a
8 handfishing sea urchin license, a sea urchin dragging license or
10 a sea urchin hand-raking and trapping license to any person ~~for~~
12 ~~calendar-year-1999,--2000--or--2001~~ unless that person possessed
14 that license in the previous calendar year or becomes eligible to
16 obtain that license pursuant to a lottery limited entry system
18 under subsection 2-B.

20 **2-B. Sea urchin license limited entry system.** The
22 commissioner shall establish by rule a lottery limited entry
24 system under which a person who did not hold a handfishing sea
26 urchin license, a sea urchin dragging license or a sea urchin
28 hand-raking and trapping license in the previous calendar year
30 may become eligible to obtain that license ~~in-calendar-year-1999,~~
32 ~~2000--or--2001~~ for use in a zone established pursuant to section
34 6749-N. The rules for a lottery limited entry system must
36 include provisions for the method and administration of a ~~lottery~~
38 ~~the program.~~ ~~The rules may include provisions for a method under~~
40 ~~which a person may submit more than one entry in a lottery-based~~
42 ~~on the prior calendar years a person held a license that qualify~~
44 ~~that person for a lottery.~~ Rules adopted pursuant to this
46 subsection are routine technical rules as defined in Title 5,
48 chapter 375, subchapter II-A.

A. ~~Pursuant to section 6749-P, all licenses issued to a~~
~~person in a calendar year must be for use in the same zone.~~

B. ~~A person may not enter more than one license lottery~~
~~during a calendar year.~~

C. ~~A person is eligible to enter a lottery for a~~
~~handfishing sea urchin license and a sea urchin hand-raking~~
~~and trapping license if that person held in the previous~~
~~calendar year a sea urchin and scallop diving tender license~~
~~issued under section 6535 that was valid for more than 30~~
~~days or if that person held in the previous calendar year a~~
~~handfishing scallop license issued under section 6701.~~

D. ~~A person is eligible to enter a lottery for a sea urchin~~
~~dragging license if that person held in the previous~~
~~calendar year a commercial fishing license issued under~~
~~section 6501, a scallop boat license issued under section~~
~~6702, a mahogany quahog license issued under section 6731 or~~
~~a mussel boat license issued under section 6746.~~

2 ~~E.---Except as provided in paragraph F, the number of persons~~
3 ~~awarded eligibility in a lottery for a handfishing sea~~
4 ~~urchin license, a sea urchin hand raking and trapping~~
5 ~~license or a sea urchin dragging license in a zone must be~~
6 ~~in accordance with the exit ratio for that license in that~~
7 ~~zone.---For the purposes of this paragraph, "exit ratio"~~
8 ~~means that one person may be awarded eligibility in a~~
9 ~~license lottery for every 5 persons who held that license in~~
10 ~~the year prior to the previous calendar year but who did not~~
11 ~~renew that license in the previous calendar year.~~

12 ~~F.---The commissioner may hold a combined lottery for sea~~
13 ~~urchin handfishing licenses and sea urchin hand raking and~~
14 ~~trapping licenses in a zone if the exit ratio for those~~
15 ~~licenses in that zone is reached.---For the purposes of this~~
16 ~~paragraph, "exit ratio" means that one person may be awarded~~
17 ~~eligibility in a lottery to obtain either a sea urchin~~
18 ~~handfishing license or a sea urchin hand raking and trapping~~
19 ~~license for every 5 persons who held a sea urchin~~
20 ~~handfishing license or a sea urchin hand raking and trapping~~
21 ~~license in the year prior to the previous calendar year but~~
22 ~~who did not renew the license in the previous calendar year.~~

24 **Sec. 9. 12 MRSA §6749-P**, as amended by PL 1997, c. 685, §4,
25 is further amended to read:

26 **§6749-P. Licenses by zone**

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

42 Further amend the bill by striking out all of section 15 and
43 inserting in its place the following:

44 **'Sec. 15. Allocation.** The following funds are allocated from
45 Other Special Revenue funds to carry out the purposes of this Act.

2001-02

2002-03

MARINE RESOURCES, DEPARTMENT OF

Bureau of Resource Management

All Other	\$3,750	\$5,000
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Allocates additional funds to the Sea Urchin management Fund to pay for the reimbursement costs of the Sea Urchin Zone Council.

Sec. 16. Effective date. Those sections of this Act that repeal and replace the Maine Revised Statutes, Title 12, section 6748-A, subsections 1 and 2 take effect January 1, 2002. That portion of that section of this Act that enacts the Maine Revised Statutes, Title 12, section 6748-A, subsection 2-B takes effect January 1, 2002. That section of this Act that repeals the Maine Revised Statutes, Title 12, section 6749-W takes effect December 31, 2001.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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

FISCAL NOTE

2001-02

2002-03

APPROPRIATIONS/ALLOCATIONS

Other Funds	\$3,750	\$5,000
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REVENUES

Other Funds	(\$20,250)	(\$27,000)
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Reducing the surcharge for a sea urchin processor's permit will decrease collections. The estimated decreases of dedicated revenue to the Sea Urchin Management Fund administered by the Department of Marine Resources are \$20,250 and \$27,000 in fiscal years 2001-02 and 2002-03, respectively.

2 The bill includes additional Other Special Revenue funds
allocations of \$3,750 and \$5,000 in fiscal years 2001-02 and
4 2002-03, respectively, for the Department of Marine Resources for
the reimbursement costs of members of the Sea Urchin Zone Council.

6
8 The additional enforcement costs can be absorbed by the
Department of Marine Resources utilizing existing budgeted
resources.

10
12 The Department of Marine Resources will incur some minor
additional costs to adopt certain rules pertaining to the fishing
of sea urchins. These costs can be absorbed within the
14 department's existing budgeted resources.'

18 SUMMARY

20 The amendment incorporates the provisions of L.D. 1682 into
the bill. It changes the licensing for sea urchin dragging.
22 Beginning in January 2002, it proposes to license individuals
rather than licensing the activities of a boat. It allows for a
24 one-time change to the named individual on a sea urchin dragging
license to coincide with the owner of the boat named on that
26 license in 2000. Beginning in January 2002, the bill requires an
individual who holds a sea urchin dragging license to be aboard
28 the boat named on that license when fishing for sea urchins. It
also makes exemptions for temporary illness or disability on the
30 part of the licensee or temporary changes due to boat accident or
mechanical failure. A "grandfathering" exemption is added to
32 allow for a person who currently holds more than one sea urchin
dragging license to continue to do so until the current boat
34 named on that license changes.

36 The amendment also changes the sea urchin lottery system to
a limited entry system and removes details of the lottery
38 system. It also instructs the Commissioner of Marine Resources
to adopt rules to establish a limited entry system for sea
40 urchins.