

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1653

S.P. 530

In Senate, March 15, 2001

An Act Making Technical Changes in the Marine Resources Laws.

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 cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LEMONT of York.
Cosponsored by Representative LEMOINE of Old Orchard Beach.

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

2
4 **Sec. 1. 12 MRSA §6001, sub-§6**, as enacted by PL 1977, c. 661, §5, is amended to read:

6 **6. Coastal waters.** "Coastal waters" means all waters of
8 ~~the State within the rise and fall of the tide and within the~~
9 ~~marine limits of the jurisdiction of the State~~ out to the limits
10 of the exclusive economic zone as shown on the most recently
11 published Federal Government nautical chart, but it does not
12 include areas above any fishway or dam when the fishway or dam is
13 the dividing line between tidewater and fresh water.

14 **Sec. 2. 12 MRSA §6001, sub-§48-B** is enacted to read:

16 **48-B. Territorial waters.** "Territorial waters" means all
17 waters of the State within the rise and fall of the tide seaward
18 to the 3-nautical-mile line as shown on the most recently
19 published Federal Government nautical chart, but does not include
20 areas above any fishway or dam when that fishway or dam is the
21 dividing line between tidewater and fresh water.

22 **Sec. 3. 12 MRSA §6439**, as amended by PL 1985, c. 268, §5, is
23 further amended to read:

24 **§6439. Areas of limited lobster fishing**

25 It ~~shall be~~ is unlawful to have on any trawl more than 3
26 lobster traps ~~in any of the coastal waters~~ in the following areas:

27 **1. West of Cape Elizabeth and east of Kittery.** Westerly of
28 a line drawn from the active lighthouse at Two Lights in Cape
29 Elizabeth ~~to~~ through the Hue and Cry Buoy and, continuing in a
30 straight line, to the point of intersection with the
31 3-nautical-mile line, and northerly and easterly of a line
32 running between the Kitts Rocks Whistle Buoy and the West Sister
33 Buoy and extending westerly to the New Hampshire border, and from
34 the West Sister Buoy to the Murray Rock Buoy and thence to and
35 through the lighthouse on Boone Island and, continuing in a
36 straight line, to the ~~boundary of the coastal waters within the~~
37 ~~jurisdiction of this State~~ point of intersection with the
38 3-nautical-mile line;

39 **2. Between Pemaquid and Robinson's Points.** Between the
40 following lines:

41 **A.** Beginning at a point 48 miles true north of the
42 lighthouse on Pemaquid Point, Lincoln County; thence true
43 south through the lighthouse to a point ~~where that line~~
44 ~~intersects the southeasterly boundary of the coastal waters~~

2 ~~within the jurisdiction of the State~~ of intersection with
3 ~~the 3-nautical-mile line;~~ and

4 B. Beginning at a point 40 miles true north from the
5 lighthouse at Robinson's Point, Isle au Haut, Knox County;
6 thence true south through the lighthouse to a point where
7 ~~the line intersects the southeasterly boundary of the~~
8 ~~coastal waters within the jurisdiction of the State~~ of
9 ~~intersection with the 3-nautical-mile line;~~ and

10 3. **Off Hancock County.** ~~Within the following radio~~
11 ~~direction finder LORAN-C bearings;~~ Beginning at Schoodic Point,
12 Hancock County; thence running a True compass course of 159° for
13 approximately 16 miles to LORAN-C bearing of ~~9960-W-12349.0 and~~
14 ~~9960-X-25693.0~~ latitude 44°04.33' north and longitude 067°54.64'
15 ~~west;~~ thence running along a True compass course of ~~234°~~ 236° for
16 approximately 11.4 miles, to and through Mt. Desert Rock to LORAN
17 C bearing of ~~9960-W-12456.0 and 9960-X-25695.0~~ latitude 43°57.87'
18 ~~north and longitude 068°08.2' west;~~ thence running in a True
19 compass course of 336° for approximately 4.2 miles to LORAN-C
20 bearing of ~~9960-W-12440.0 and 9960-X-25718.0~~ latitude 44°01.65'
21 ~~north and longitude 068°10.55' west;~~ thence running in a westerly
22 direction to a point where that line intersects with the line
23 described in subsection 2, paragraph B, if it is extended to that
24 line.

25 26 **Sec. 4. 12 MRSA §6439-A,** as enacted by PL 1979, c. 152, §2,
27 is amended to read:

28 29 **§6439-A. Limited lobster fishing in the vicinity of**
30 **Kittery**

31 32 It ~~shall be~~ is unlawful to have on a trawl more than 10
33 lobster traps on one warp and buoy in the ~~coastal~~ waters
34 southerly of a line running between the Kitts Rocks Whistle Buoy
35 and the West Sister Buoy and extending westerly to the New
36 Hampshire border, and from the West Sister Buoy to the Murray
37 Rock Buoy and thence to and through the lighthouse on Boone
38 Island and, continuing in a straight line, to the ~~boundary of the~~
39 ~~coastal waters within the jurisdiction of this State~~ point of
40 ~~intersection with the 3-nautical-mile line.~~ Each trawl set in
41 this area ~~shall~~ must be marked with at least one buoy with a buoy
42 stick of at least 4 feet in length.

43 44 **Sec. 5. 12 MRSA §6471,** as enacted by PL 1997, c. 574, §4, is
45 amended to read:

46 47 **§6471. Monhegan Lobster Conservation Area**

1. **Monhegan Lobster Conservation Area.** The following
2 ~~eastal~~ territorial waters of the State in the vicinity of
4 Monhegan Island are known as the Monhegan Lobster Conservation
Area:

6 Beginning at a point located ~~on Loran line 9960-25850~~ at
8 latitude 43°44.09' north and longitude 069°22.16' west that
is 2 nautical miles southwesterly of the nearest shore of
10 Monhegan Island; ~~then following Loran line 9960-25850~~ in a
southwesterly direction to ~~the point where it intersects the~~
12 ~~3-mile--territorial--sea~~ latitude 43°44.28' north and
longitude 069°23.37' west at a point on the 3-nautical-mile
14 line; then following the ~~territorial--sea~~ 3-nautical-mile
line around the southern end of Monhegan Island to ~~the point~~
16 ~~where it intersects Loran line 9960-12889~~ latitude 43°44.94'
north and longitude 069°14.26' west; then following ~~Loran~~
18 ~~line--9960-12889~~ in a somewhat northerly direction to the
~~point--where--it--intersects~~ latitude 43°45.8' north and
20 longitude 069°15.3' west, to a point that is 2 nautical
miles from the nearest shore of Monhegan Island; then
22 following a line that is 2 nautical miles from the nearest
shore of Monhegan Island and that continues around the
24 northern end of Monhegan Island to the point of beginning.

26 **Sec. 6. 12 MRSA §6501, sub-§6**, as amended by PL 1999, c. 491,
§4, is further amended to read:

28 **6. Definition.** For the purposes of this chapter, "fish"
means all marine finfish and squid or other marine ~~animals~~
30 organisms, except lobsters, crabs, sea urchins, shellfish,
scallops, marine worms, elvers, eels ~~ex~~, shrimp or seaweed.

32 **Sec. 7. 12 MRSA §6523**, as amended by PL 1999, c. 771, Pt. B,
34 §5 and affected by Pt. D, §§1 and 2, is further amended to read:

36 **§6523. Marking ice fishing shacks**

38 A person may not place any shack or temporary structure used
for ice fishing on the frozen ~~eastal~~ territorial waters or use
40 the shack or structure, unless the owner's name and address are
painted or otherwise clearly marked on the outside with 2-inch
42 letters. A person who violates this section commits a civil
violation for which a forfeiture of not less than \$100 and not
44 more than \$500 may be adjudged.

46 **Sec. 8. 12 MRSA §6555**, as amended by PL 1989, c. 788, §2, is
further amended to read:

48 **§6555. Striped bass; method of taking**

2 It is unlawful to fish for or take striped bass ~~in--the~~
3 ~~waters--of--the--State~~, except by hook and line.

4 **Sec. 9. 12 MRSA §6556**, as amended by PL 1989, c. 788, §3, is
6 further amended to read:

8 **§6556. Striped bass; limits; personal use**

10 It is unlawful for any person to fish for or take
11 striped bass ~~in--the--waters--of--the--State~~, except for personal use.

12 **Sec. 10. 12 MRSA §6571, first ¶**, as enacted by PL 1977, c. 661,
14 §5, is amended to read:

16 Within the ~~coastal~~ territorial waters of adjacent to
17 Washington County:

18 **Sec. 11. 12 MRSA §6572, sub-§1**, as enacted by PL 1997, c. 92,
20 §1, is amended to read:

22 **1. Spawning areas for certain species.** By January 1, 1998,
23 the commissioner shall by rule identify ~~the--location--of--all~~
24 ~~coastal~~ all locations of the territorial waters that serve as
25 spawning areas for cod, haddock or yellowtail flounder and the
26 dates during which those spawning activities occur in each area.
27 In determining the coastal spawning areas for cod, haddock and
28 yellowtail flounder, the commissioner shall solicit information
29 on the State's historic coastal groundfish spawning areas from
30 persons who participate in, or are otherwise knowledgeable about,
31 commercial and recreational coastal marine fisheries. Rules
32 adopted under this subsection are routine technical rules
33 pursuant to Title 5, chapter 375, subchapter II-A.

34 **Sec. 12. 12 MRSA §6575-E**, as enacted by PL 1995, c. 536, Pt.
36 A, §9, is amended to read:

38 **§6575-E. Method of eel fishing**

40 Except as provided in section 6505-C, subsection 2, it is
41 unlawful for a person licensed under section 6505-C to fish for
42 or take eels ~~in--the--coastal--waters--of--the--State~~ by any method
43 other than eel pot or hoop net.

44 **Sec. 13. 12 MRSA §6722**, as amended by PL 1999, c. 94, §1, is
46 further amended to read:

48 **§6722. Closed areas**

2 Unless modified by regulation adopted under section 6171-A,
it is unlawful to fish for or take scallops in the ~~eastal~~
3 territorial waters from April 16th to November 30th, both days
inclusive.

6 **Sec. 14. 12 MRSA §6726, sub-§1**, as amended by PL 1999, c. 94,
§2, is further amended to read:

8
1. **Minimum size.** It is unlawful to utilize a drag to fish
10 for or take scallops in the ~~eastal~~ territorial waters with rings
that measure less than:

12 B. From December 1, 1999 to April 15, 2000, 3 1/4 inches in
14 diameter; and

16 C. On December 1, 2000 and thereafter, 3 1/2 inches in
diameter.

18
20 **Sec. 15. 12 MRSA §6727, sub-§2**, as amended by PL 1999, c. 94,
§4, is further amended to read:

22 2. **Open season.** It is unlawful for a person to possess on
any vessel fishing for scallops in the ~~eastal~~ territorial
24 waters, or to utilize when fishing for or taking scallops in the
~~eastal~~ territorial waters, a drag or any combination of drags
26 that measures in excess of 10 feet, 6 inches across from one
extreme outside edge of the mouth of the drag or combination of
28 drags to the opposite extreme outside edge.

30 **Sec. 16. 12 MRSA §6954-C, sub-§1**, as enacted by PL 1997, c.
281, §3, is amended to read:

32
34 1. **Gear requirements.** It is unlawful to fish in the
~~eastal~~ territorial waters northerly and inshore of the
international bridge that connects Lubec to Campobello Island,
36 New Brunswick, Canada with any drag or combination of drags:

38 A. That measures in excess of 5 feet, 6 inches in width
measuring from one extreme outside edge of the mouth of the
40 drag or combination of drags to the opposite extreme outside
edge; and

42 B. If used for the taking of scallops, that is greater than
44 8 rings deep.

46 **Sec. 17. 12 MRSA §6959**, as enacted by PL 1999, c. 576, §1, is
amended to read:

48 **§6959. Dragging in the Taunton River area**
50

2 It is unlawful for a person to fish with any drag or
3 combination of drags in the ~~eastal~~ territorial waters westerly
4 and northerly of the Route 1 bridge that connects the towns of
5 Hancock and Sullivan in Hancock County, including Egypt Bay,
6 Taunton Bay and Hog Bay. This section is repealed March 1, 2005.

8 SUMMARY

10 This bill makes several technical changes to the marine
11 resources laws.

12
13 1. It clarifies that the term "coastal waters" means marine
14 waters out to the seaward extent of the exclusive economic zone
15 and provides that the term "territorial waters" means marine
16 waters only out to the 3-nautical-mile line described on United
17 States Government nautical charts.

18
19 2. It corrects the descriptions of limitations on lobster
20 fishing areas in the Kittery, Pemaquid and Hancock County areas.

21
22 3. It corrects the description of the Monhegan Lobster
23 Conservation Area.

24
25 4. It clarifies that fishing for seaweed is not subject to
26 the commercial fishing license.

27
28 5. It clarifies that marking requirements for ice fishing
29 shacks apply only in the territorial waters.

30
31 6. It removes a reference to waters of the State with
32 regard to the limitations on how striped bass are caught and with
33 regard to personal use of striped bass.

34
35 7. It clarifies that limitations on the use of trawls in
36 Washington County apply only to the territorial waters adjacent
37 to Washington County.

38
39 8. It clarifies that the requirement to identify spawning
40 areas for groundfish applies only in the territorial waters.

41
42 9. It clarifies that limitations on the taking of eels
43 apply only in the territorial waters.

44
45 10. It clarifies that limitations on the taking of scallops
46 apply only in the territorial waters.

47
48 11. It clarifies that requirements for specific ring sizes
49 for scallop drags apply only in the territorial waters.

50

2 12. It clarifies that drag size limits for scallop drags
apply only in the territorial waters.

4 13. It clarifies that the limitations on fishing in
Cobscook Bay apply only to the territorial waters.

6
8 14. It clarifies that limitations on dragging in Taunton
Bay apply only in the territorial waters.