

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1682

H.P. 1235

House of Representatives, March 15, 2001

An Act to Restructure the Sea Urchin Lottery.

Reported by Representative LEMOINE for the Joint Standing Committee on Marine Resources pursuant to Public Law 1997, chapter 685, section 15.

Reference to the Joint Standing Committee on Marine Resources suggested and printing ordered under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

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4 **Sec. 1. 12 MRSA §6748-A, sub-§1**, as amended by PL 1993, c. 740, §1, is repealed and the following enacted in its place:

6 **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.

10 **Sec. 2. 12 MRSA §6748-A, sub-§2**, as enacted by PL 1993, c. 416, §2, is repealed and the following enacted in its place:

12 **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.

20 **Sec. 3. 12 MRSA §6748-A, sub-§§2-A and 2-B** are enacted to read:

22 **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.

36 **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:

42 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;

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

8 C. An individual documents to the commissioner that the
9 individual has held one or more sea urchin dragging licenses
10 for 3 consecutive years and is the owner of more than one
11 vessel. Under this paragraph, the commissioner may renew
12 each license held by the eligible individual if the vessel
13 named on that license is unchanged from the vessel named on
14 the license in 2000.

16 **Sec. 4. 12 MRSA §6749-N**, as amended by PL 1997, c. 685, §1,
17 is further amended to read:

18

19 **§6749-N. Closed areas; zone identification**

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

24

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

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

44

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

2 **Sec. 5. 12 MRSA §6749-O, sub-§§2-A and 2-B,** as enacted by PL
1997, c. 685, §3, are amended to read:

4 **2-A. License eligibility.** The commissioner may not issue a
handfishing sea urchin license, a sea urchin dragging license or
6 a sea urchin hand-raking and trapping license to any person ~~for~~
~~calendar-year-1999,--2000-or-2001~~ unless that person possessed
8 that license in the previous calendar year or becomes eligible to
obtain that license pursuant to a lottery limited entry system
10 under subsection 2-B.

12 **2-B. Sea urchin license limited entry system.** The
commissioner shall establish by rule a lottery limited entry
14 system under which a person who did not hold a handfishing sea
urchin license, a sea urchin dragging license or a sea urchin
16 hand-raking and trapping license in the previous calendar year
may become eligible to obtain that license ~~in-calendar-year-1999,~~
18 ~~2000-or-2001~~ for use in a zone established pursuant to section
6749-N. The rules for a lottery limited entry system must
20 include provisions for the method and administration of ~~a-lottery~~
the program. ~~The rules may include provisions for a method under~~
22 ~~which a person may submit more than one entry in a lottery based~~
~~on the prior calendar years a person held a license that qualify~~
24 ~~that person for a lottery.~~ Rules adopted pursuant to this
subsection are routine technical rules as defined in Title 5,
26 chapter 375, subchapter II-A.

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

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

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

42 ~~D.--A person is eligible to enter a lottery for a sea urchin~~
dragging license if that person held in the previous
44 calendar year a commercial fishing license issued under
section 6501, a scallop boat license issued under section
46 6702, a mahogany quahog license issued under section 6731 or
a mussel boat license issued under section 6746.

48 ~~E.--Except as provided in paragraph F, the number of persons~~
50 ~~awarded eligibility in a lottery for a handfishing sea~~

2 urchin--license--a--sea--urchin--hand--raking--and--trapping
license--or--a--sea--urchin--dragging--license--in--a--zone--must--be
4 in--accordance--with--the--exit--ratio--for--that--license--in--that
zone.--For--the--purposes--of--this--paragraph--"exit--ratio"
6 means--that--one--person--may--be--awarded--eligibility--in--a
license--lottery--for--every--5--persons--who--held--that--license--in
the--year--prior--to--the--previous--calendar--year--but--who--did--not
8 renew--that--license--in--the--previous--calendar--year.

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

22 **Sec. 6. 12 MRSA §6749-P**, as amended by PL 1997, c. 685, §4,
is further amended to read:

24 **§6749-P. Licenses by zone**

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

42 **Sec. 7. 12 MRSA §6749-T**, as amended by PL 1997, c. 685, §7,
is repealed.

44 **Sec. 8. Effective date.** Those sections of this Act that repeal
46 and replace the Maine Revised Statutes, Title 12, section 6748-A,
subsections 1 and 2 take effect January 1, 2002. That section of
48 this Act that enacts the Maine Revised Statutes, Title 12,
section 6748-A, subsection 2-B takes effect January 1, 2002.

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SUMMARY

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

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

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