

MAINE STATE LEGISLATURE

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DATE: 4.18.03

MARINE RESOURCES

Reported by:

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 459, L.D. 1389, Bill, "An Act To Create a Marine Harvesting Demonstration License"

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

Sec. 1. 12 MRSA §6810-A is enacted to read:

§6810-A. Marine harvesting demonstration license

1. License required. Notwithstanding section 6074, an individual may not engage in an activity authorized under this section without a valid marine harvesting demonstration license.

2. Licensed activities. An individual who holds a marine harvesting demonstration license may engage in limited fishing activities for the purpose of providing an educational demonstration of marine harvesting techniques or of the marine ecology of the Gulf of Maine as part of a commercial operation. An individual may not handle a lobster trap, warp or buoy used for the purposes of this section unless that individual meets the requirements of subsection 7.

Subject to the requirements of subsection 3, an individual who holds a Class I, Class II or Class III lobster and crab fishing license may assist a person who holds a marine harvesting demonstration license on that person's boat in the demonstration of lobster and crab fishing without obtaining a marine harvesting demonstration license.

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2 3. License limitations. An individual who holds a marine
3 harvesting demonstration license may not sell, retain, ship or
4 transport any portion of the catch and shall release all
5 organisms alive into the area from which the organisms were
6 harvested. A vessel identified under subsection 6 may not be used
7 for the commercial harvest of marine organisms unless otherwise
8 provided by the department.

9
10 4. Gear limitations and requirements. The commissioner
11 shall specify the type and amount of gear that may be used under
12 a marine harvesting demonstration license.

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14 A. The number of lobster traps fished from a vessel may not
15 exceed 20 traps, regardless of the number of marine
16 harvesting demonstration license holders fishing from that
17 vessel.

18 B. The commissioner shall establish a lobster trap tag
19 system under which a marine harvesting demonstration license
20 holder must purchase a tag for the purpose of identifying
21 and tracking traps. The commissioner may impose a per-tag
22 fee to cover the cost of the trap tags and the costs of
23 administering and enforcing the lobster trap tag system.
24 Trap tag fees must be deposited in the Lobster Management
25 Fund established under section 6431-C.

26
27 5. Boat declaration. The marine harvesting demonstration
28 license holder shall declare the name of the vessel to be used
29 for fishing under the license at the time of application for the
30 license and may not change that vessel during the license year
31 unless otherwise authorized by the department.

32
33 An individual who holds a marine harvesting demonstration license
34 may assist another person who holds a marine harvesting
35 demonstration license on that person's vessel without declaring
36 the name of that vessel. The individual who assists another
37 license holder must have written permission from that license
38 holder before handling that person's demonstration lobster traps,
39 warps or buoys.

40
41 6. Demonstration vessel identification. A vessel may not
42 be used for the purposes of this section unless that vessel is
43 clearly identified as provided by the commissioner under this
44 subsection. The commissioner shall establish the type and
45 specifications of vessel identification to be used for purposes
46 of this section. The commissioner may impose an administrative
47 fee to cover costs associated with implementing this subsection.

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49 7. Additional requirements for lobster and crab harvesting
50 demonstrations. A person may not demonstrate lobster or crab

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harvesting methods under this section unless that person holds a marine harvesting demonstration license and:

A. Has successfully completed a lobster and crab fishing written examination as provided in section 6423; or

B. Held a Class I, Class II or Class III lobster and crab fishing license and has landed lobster under that license.

An individual who successfully completes the examination under paragraph A is not required to repeat that examination to renew a marine harvesting demonstration license.

8. Fee. The fee for a marine harvesting demonstration license is \$25.

9. Rules. The commissioner may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

10. Application of laws. Except as provided in this section, licenses issued under this section are subject to applicable laws under this Part.

11. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$1,000 may be adjudged.

Sec. 2. Report on marine harvesting demonstration licenses. The Commissioner of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the implementation and effectiveness of marine harvesting demonstration licenses issued under the Maine Revised Statutes, Title 12, section 6810-A no later than January 1, 2006.

Sec. 3. Effective date. This Act takes effect January 1, 2004.'

SUMMARY

This amendment replaces the bill and creates a new marine harvesting demonstration license to permit individuals to engage in limited fishing activities in order to demonstrate marine harvesting techniques as part of a commercial operation. It does not allow any portion of the catch to be sold, given away or transported and requires that all organisms be liberated alive into the area from which they were taken. The amendment

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clarifies that the person who actually handles lobster gear pursuant to this license must be the holder of the license. The amendment also prohibits a person from using a different vessel than the vessel named for use under a marine harvesting license or from conducting commercial harvesting activities with that boat unless otherwise provided by the Department of Marine Resources. In order to demonstrate the harvest of lobster and crabs under this license, a person must pass a lobster and crab fishing written examination or have held a Class I, Class II or Class III lobster and crab fishing license and landed lobster under that license. Additionally, the amendment has an effective date of January 1, 2004 and requires the department to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 1, 2006 regarding the implementation and effectiveness of this license.

FISCAL NOTE REQUIRED
(See attached)

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Approved: 04/11/03 *MAC*

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1389

An Act to Create a Marine Harvesting Demonstration License

LR 1901(02)

Fiscal Note for Bill as Amended by Committee Amendment *AS-69*

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - Other Special Revenue

Correctional and Judicial Impact Statements:

Establishes a new civil violation.