

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1389

S.P. 459

In Senate, March 18, 2003

An Act To Create a Marine Harvesting Demonstration License

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 DAMON of Hancock.
Cosponsored by Representative BULL of Freeport.

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

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

§6810-A. Marine harvesting demonstration license

1. License required. A person may not engage in an activity authorized under this section without a current marine harvesting demonstration license.

2. Licensed activities. The holder of 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.

3. License limitations. The holder of a marine harvesting demonstration license may not sell, retain, ship or transport any portion of the catch and shall release all organisms alive into the area from which the organisms were harvested.

4. Gear limitations. The commissioner shall adopt rules specifying the types and amount of gear that may be used under a marine harvesting demonstration license. The number of lobster traps fished from a vessel may not exceed 20 traps, regardless of the number of marine harvesting demonstration license holders fishing from that vessel. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Boat declaration. The license holder shall declare the name of the vessel to be used for fishing under the marine harvesting demonstration license at the time of application for the license and may not change that vessel during the license year unless the original vessel is sold and replaced, has been damaged and will be under repair for not less than one month or has been destroyed or lost.

6. Eligibility. A marine harvesting demonstration license may be issued only to an individual who has:

A. Successfully completed a lobster and crab fishing written examination as provided in section 6423.

Once a person successfully completes a lobster and crab fishing written examination, that person need not repeat the examination to renew the marine harvesting demonstration license; or

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

4 7. Prohibition. A person who possesses a marine harvesting
5 demonstration license may not possess a Class I, II or III,
6 apprentice, student or noncommercial lobster and crab fishing
7 license in the same license year.

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

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

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SUMMARY

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19 This bill proposes to create a new license to permit
20 individuals to engage in limited fishing activities in order to
21 demonstrate marine harvesting techniques as part of a commercial
22 operation. It does not allow any portion of the catch to be
23 sold, given away or transported. All organisms must be liberated
24 alive into the area from which they were taken. In order to be
25 eligible for this license, an individual must demonstrate
26 knowledge of the lobster fishery by passing the lobster and crab
27 fishing written examination or have held a Class I, Class II or
28 Class III lobster and crab fishing license and landed lobster
under that license.