

MAINE STATE LEGISLATURE

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L.D. 1451

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DATE: 5-1-03

(Filing No. S-99)

MARINE RESOURCES

Reported by:

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**STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 483, L.D. 1451, Bill, "An Act To Manage the Sea Urchin Fishery"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the sea urchin population along the coast of Maine has dramatically declined over the last decade and increased conservation efforts are needed to maintain a viable sea urchin fishery; and

Whereas, the sea urchin fishing season will begin on August 31st and this legislation will affect that fishing season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

COMMITTEE AMENDMENT

'Sec. 2. 12 MRSA §6749-A, as amended by PL 2001, c. 327, §9, is repealed and the following enacted in its place:

§6749-A. Minimum size

1. Zone 1 prohibition. Except as provided in this subsection, a person may not take, possess, ship, transport, buy or sell a sea urchin having shell measurements less than the minimum size established by rule for Zone 1.

A. A person holding a dragging license may take a sea urchin that measures less than the minimum size established by rule for Zone 1 if that sea urchin is harvested by dragging and is immediately culled on board and liberated alive into the marine waters.

B. A person who holds a hand-fishing license may take a sea urchin that measures less than the minimum size established by rule for Zone 1 as provided by the commissioner.

2. Zone 2 prohibition. A person may not take, possess, ship, transport, buy or sell a sea urchin having shell measurements less than the minimum size established by rule for Zone 2. A person may take a sea urchin that measures less than the minimum size established by rule for Zone 2 if that sea urchin is culled on board immediately after harvesting and is liberated alive into the marine waters.

3. Rules. The commissioner may adopt rules to carry out the purposes of this section and to provide for increases in the minimum shell size of sea urchins 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 2-A.

4. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a Class D crime for which a fine of not less than \$500 may be adjudged.

B. A person who violates this section after having previously violated this section commits a Class D crime for which a fine of not less than \$1,000 may be adjudged.

Fines imposed under this subsection may not be suspended.'

Further amend the bill by inserting after section 4 the following:

2 **'Sec. 5. Report.** The Department of Marine Resources shall
report to the joint standing committee of the Legislature having
jurisdiction over marine resources matters on the implementation
4 of this Act no later than January 1, 2005.

6 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.'
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SUMMARY

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This amendment adds an emergency preamble and clause to the
bill and replaces section 2 of the bill with language that
authorizes the Commissioner of Marine Resources to adopt rules
regarding the culling requirements for sea urchins harvested
under a hand-fishing license in Zone 1. The amendment also
imposes minimum fines for violations of sea urchin harvesting
requirements. The amendment requires the Department of Marine
Resources to report to the joint standing committee of the
Legislature having jurisdiction over marine resources matters on
the status of the implementation of the new requirements no later
20 than January 1, 2005.
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FISCAL NOTE REQUIRED
(See attached)



121st Maine Legislature
Office of Fiscal and Program Review

LD 1451

An Act To Manage the Sea Urchin Fishery

LR 1907(02)

Fiscal Note for Bill as Amended by Committee Amendment "A" S-99

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - General Fund

Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

Establishes a new Class E crime.