

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1451

S.P. 483

In Senate, March 27, 2003

An Act To Manage the Sea Urchin Fishery

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.

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

4 **Sec. 1. 12 MRSA §6404-E** is enacted to read:

6 **§6404-E. Suspension based on 3 or more convictions of possessing
small sea urchins**

8 The commissioner shall suspend the sea urchin fishing
10 license of any license holder convicted in court of a 3rd or
12 subsequent offense of possessing sea urchins smaller than the
14 minimum size established pursuant to section 6749-A. The
16 suspension must be for at least one year from the date of
conviction and may be up to 3 years. Any conviction occurring
more than 5 years before the last conviction may not be counted
in determining the suspension.

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is repealed and the following enacted in its place:

20 **§6749-A. Minimum size**

22 **1. Prohibition.** It is unlawful for a person to take,
24 possess, ship, transport, buy or sell a sea urchin having a shell
26 measuring less than 2 inches in the longest diameter, exclusive
28 of spines. The department may adopt rules to provide for an
increase in the minimum size after consultation with the Sea
Urchin Zone Council. Rules adopted pursuant to this subsection
are routine technical rules as defined in Title 5, chapter 375,
subchapter 2-A.

30 **2. Penalty.** A person who violates this subsection commits
32 a Class D crime that is punishable by a fine of not less than
34 \$500 for the first offense and not less than \$1,000 for the 2nd
offense. The fine may not be suspended.

36 **Sec. 3. 12 MRSA §6749-O, sub-§5** is enacted to read:

38 **5. Protection from depletion.** The commission may adopt
40 rules for sea urchin license limited entry system to prohibit a
new entry in a year when it is necessary to protect or conserve
the urchin fishery from imminent depletion.

42 **Sec. 4. 12 MRSA §6749-R, sub-§1**, as amended by PL 2001, c.
44 327, §15, is further amended to read:

46 **1. Uses of fund.** The commissioner shall use the fund for
48 research directly related to sea urchin fishery management
information needs and for reporting to licensed sea urchin
harvesters, boat tenders, processors and buyers on the results of
50 research and the use of fund revenues. The purpose of that

2 research must be to determine, with the highest reliability
possible given available resources, the greatest level of effort
4 that may be applied to the sea urchin fishery without harming the
long-term economic and biological sustainability of the sea
6 urchin fishery. The commissioner shall consult with the Sea
Urchin Zone Council under section 6749-X before deciding upon
8 research projects and awarding grants from the fund. The fund
may be used to provide for safety education and training
10 requirements for the sea urchin fishery and to administer
management measures for the fishery. The commissioner shall
12 consult with the Sea Urchin Zone Council on the expenditure of
funds for these purposes. The fund may also be used to cover
14 the costs associated with determining eligibility for licenses
under this subchapter, for law enforcement and support for the
Sea Urchin Zone Council, including reimbursement for travel
16 expenses. Up to 30% of allotted revenues may be used for law
enforcement purposes.

20 SUMMARY

22 This bill makes it a Class D crime to possess small sea
urchins and establishes a minimum fine of \$500 for a first
24 offense and \$1,000 for a 2nd offense and a mandatory one-year
suspension for a 3rd or subsequent offense. It expands the
26 allowable uses of the Sea Urchin Research Fund to include safety
education and training and the implementation of management
28 measures, following consultation by the Commissioner of Marine
Resources with the Sea Urchin Zone Council. It also allows the
30 Commissioner of Marine Resources to prohibit new entry into the
urchin fishery in years when it is necessary to protect the
32 fishery from imminent depletion.