

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 434

H.P. 319

House of Representatives, January 27, 2005

### **An Act To Clarify Maine's Authority To Enforce Its Marine Resources Laws**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.  
Reference to the Committee on Marine Resources suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative KAELIN of Winterport.  
Cosponsored by President EDMONDS of Cumberland and  
Representatives: ADAMS of Portland, KOFFMAN of Bar Harbor, PERCY of Phippsburg,  
RECTOR of Thomaston.

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

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Sec. 1. 12 MRSA §6001, sub-§13-I is enacted to read:

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13-I. Established base of operations. "Established base of operations" means the location where a vessel has its primary relationship. Among the factors identifying a primary relationship are the locations at which the vessel is primarily moored or docked, where it prepares for expeditions and hires a crew and to which it regularly returns for repairs, supplies and activities relating to its business or trade. The fact that a vessel carries on one or more of these activities at more than one location within this State or at a location or locations outside this State does not prevent the vessel from being considered to have an established base of operations within the State if a substantial portion of these activities are carried on at a location or locations within this State. For purposes of this subsection, "substantial portion" means a period exceeding 60 days in any calendar year.

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Sec. 2. 12 MRSA §6001, sub-§36, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

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36. Registered vessel. "Registered vessel" means:

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A. A vessel that is owned or operated by a person licensed under this Part;

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B. A vessel that is used to bring a marine organism into the State or its territorial waters;

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C. A vessel that is registered or has been issued a certificate of number under chapter 935;

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D. A vessel documented in accordance with 46 United States Code, Chapter 121 that has designated a Maine port of hail;

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E. A vessel that has been issued a certificate of number by the United States Coast Guard under 46 United States Code, Chapter 123 that has identified Maine as the state of principal use; or

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F. A vessel that has an established base of operations within this State.

Sec. 3. 12 MRSA §6001, sub-§37-A, as enacted by PL 1979, c. 590, §1, is amended to read:

37-A. Rigged. "Rigged" means to have on board the equipment necessary to undertake the activity. The commissioner

2 shall determine by rulemaking what equipment is necessary to  
3 undertake the activity. Rules adopted under this subsection are  
4 routine technical rules pursuant to Title 5, chapter 375,  
5 subchapter 2-A.

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### 8 SUMMARY

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9 This bill creates a definition for "established base of  
10 operations" in the marine resources statutes. The definition of  
11 "registered vessel" is amended to include a vessel that has an  
12 established base of operations within the State. The definition  
13 of "rigged" is amended to allow the Commissioner of Marine  
14 Resources to adopt rules to further define what equipment is  
15 necessary to have on board.