

MAINE STATE LEGISLATURE

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DATE: 5/18/5

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MARINE RESOURCES

Minority

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 354, L.D. 479, Bill, "An Act To Amend Laws Governing the Setting of the Sea Urchin Harvesting Season"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Adjust the Sea Urchin Fishing Season and Create the Task Force To Study Sea Urchin Fishery Management'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

Whereas, rulemaking regarding the number of open days in the sea urchin harvesting season must be initiated before the 90-day period expires in order that the rules are in place for the start of the next season, which may begin on or after September 1, 2005; and

Whereas, the Task Force To Study Sea Urchin Fishery Management shall examine critical issues affecting the sea urchin resource and industry; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

COMMITTEE AMENDMENT

2 **Whereas**, in the judgment of the Legislature, these facts
3 create an emergency within the meaning of the Constitution of
4 Maine and require the following legislation as immediately
5 necessary for the preservation of the public peace, health and
6 safety; now, therefore, be it

8 **Sec. 1. Sea urchin harvesting season. Resolved:** That,
9 notwithstanding the Maine Revised Statutes, Title 12, section
10 6749, the Commissioner of Marine Resources shall establish by
11 rule the number of open days during which a person may fish for
12 or take sea urchins between the effective date of this resolve
13 and March 31, 2007 as follows:

14 1. The commissioner shall initiate rulemaking to establish
15 10 open days in Zone 1 and 45 open days in Zone 2, as those areas
16 are designated under Title 12, section 6749-N, for sea urchin
17 harvesting between September 1, 2005 and March 31, 2006; and

20 2. After March 31, 2006, the commissioner shall initiate
21 rulemaking to establish the number of open days in Zone 1 and the
22 number of open days in Zone 2, as those areas are designated
23 under Title 12, section 6749-N for sea urchin harvesting between
24 September 1, 2006 and March 31, 2007. The commissioner shall use
25 the recommendations of the Task Force To Study Sea Urchin Fishery
26 Management, established in section 2, as the basis for rules
27 establishing the number of open days under this subsection.

28 Rules adopted pursuant to this section are routine technical
29 rules as defined in Title 5, chapter 375, subchapter 2-A; and be
30 it further

32 **Sec. 2. Task force established. Resolved:** That the Task Force To
33 Study Sea Urchin Fishery Management, referred to in this resolve
34 as "the task force," is established; and be it further

36 **Sec. 3. Task force membership. Resolved:** That the task force
37 consists of 9 members appointed as follows:

40 1. One member of the Senate, appointed by the President of
41 the Senate, who serves on the Joint Standing Committee on Marine
42 Resources;

44 2. One member of the House of Representatives, appointed by
45 the Speaker of the House, who serves on the Joint Standing
46 Committee on Marine Resources;

48 3. Four members appointed by the President of the Senate:

2 A. Two members who are marine scientists with expertise in
sea urchins, one of whom is employed by the Department of
Marine Resources and one of whom is not;

4 B. One member representing the sea urchin processing
6 industry; and

8 C. One member representing the Sea Urchin Zone Council; and

10 4. Three members appointed by the Speaker of the House:

12 A. One member who holds a Zone 1 sea urchin fishing license;

14 B. One member who holds a Zone 2 sea urchin fishing
license; and

16 C. One member representing the Department of Marine
18 Resources; and be it further

20 **Sec. 4. Chairs. Resolved:** That the first-named Senate member
is the Senate chair of the task force and the first-named House
22 of Representatives member is the House chair of the task force;
and be it further

24 **Sec. 5. Appointments; convening of task force. Resolved:** That all
26 appointments must be made no later than 30 days following the
effective date of this resolve. The appointing authorities shall
28 notify the Executive Director of the Legislative Council once all
appointments have been completed. Within 15 days after
30 appointment of all members, the chairs shall call and convene the
first meeting of the task force, which must be no later than
32 September 15, 2005; and be it further

34 **Sec. 6. Duties. Resolved:** That the task force shall study the
current management structure and strategies of the sea urchin
36 fishery and make recommendations regarding short-term and
long-term management options. Recommendations must address the
38 sea urchin harvesting season, including the number of open days.
The task force shall hold at least 3 meetings and may hold no
40 more than 5 meetings to complete its work. The task force may
study the following issues:

42 1. Number and area of sea urchin fishing zones;

44 2. Minimum and maximum size laws;

46 3. Sea urchin harvesting season and open days;

48 4. Sea Urchin Zone Council composition, membership
50 requirements and terms;

1508

- 2 5. Licensing and entry issues;
- 4 6. Research methods, funding and a resource recovery plan;
- 6 7. Methods of sea urchin sales; and
- 8 8. Any other issues to further the purposes of the task force; and be it further

10 **Sec. 7. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the task force; and be it further

14 **Sec. 8. Compensation. Resolved:** That the legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force; and be it further

26 **Sec. 9. Report. Resolved:** That, no later than February 1, 2006, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Marine Resources and the Legislative Council. The task force is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on Marine Resources may report out a bill to the Second Regular Session of the 122nd Legislature; and be it further

36 **Sec. 10. Extension. Resolved:** That, if the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

42 **Sec. 11. Task force budget. Resolved:** That the chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force chairs and staff with a

status report on the task force budget, expenditures incurred and paid and available funds. Notwithstanding any other law, the Sea Urchin Research Fund, established in the Maine Revised Statutes, Title 12, section 6749-R, must be used to cover the costs of the study; and be it further

Sec. 12. Funding. Resolved: That notwithstanding the Maine Revised Statutes, Title 12, section 6749-R, the State Controller shall transfer \$3,790 at the beginning of fiscal year 2005-06 from the Sea Urchin Research Fund within the Department of Marine Resources to the Legislature to fund the expenses of the Task Force To Study Sea Urchin Fishery Management; and be it further

Sec. 13. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Task Force To Study Sea Urchin Fishery Management 0444

Initiative: Provides funds for the per diem and expenses of legislative members and expenses of other eligible members of the Task Force To Study Sea Urchin Fishery Management.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
Personal Services	\$990	\$0
All Other	\$2,800	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,790	\$0

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.'

SUMMARY

This amendment is the minority report of the committee. The amendment changes the title and replaces the bill with a resolve. The amendment directs the Commissioner of Marine Resources to initiate rulemaking to establish 10 open days in Zone 1 and 45 open days in Zone 2 for the upcoming 2005-2006 sea urchin harvesting season. The amendment also directs the commissioner to initiate rulemaking, following the 2005-2006 season, to establish the number of open days for the 2006-2007 season based on the recommendations of the Task Force To Study Sea Urchin Fishery Management as established in this amendment. The 9-member task force is required to examine the current management structure and strategies of the sea urchin fishery and make recommendations regarding short-term and long-term

COMMITTEE AMENDMENT "B" to H.P. 354, L.D. 479

2 management options. The task force is required to make
3 recommendations regarding the sea urchin harvesting season,
4 including the number of open days. The task force is required to
5 submit a report to the Joint Standing Committee on Marine
6 Resources and the Legislative Council by February 1, 2006. The
7 Joint Standing Committee on Marine Resources is authorized to
8 report out a bill to the Second Regular Session of the 122nd
9 Legislature following the committee's review of the task force's
10 report. This amendment also adds an appropriations and
11 allocations section to the bill.

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FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 479

LR 0770(03)

An Act To Amend Laws Governing the Setting of the Sea Urchin Harvesting Season

Fiscal Note for Bill as Amended by Committee Amendment *B*

Committee: Marine Resources

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Current costs - Legislative Study

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Appropriations/Allocations				
Other Special Revenue Funds	\$3,790	\$0	\$0	\$0
Revenue				
Other Special Revenue Funds	\$3,790	\$0	\$0	\$0

Legislative Study

This legislation includes an Other Special Revenue allocation to the Legislature in the amount of \$3,790 in fiscal year 2005-06. This allocation provides funds for the per diem and expenses of legislative members and expenses of other eligible members of the Task Force to Study Sea Urchin Fishery Management. Funds within the Sea Urchin Research Fund will be transferred to the Legislature to cover the costs of the study.