

MAINE STATE LEGISLATURE

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MR

L.D. 728

DATE: 4/15/05

(Filing No. H-142)

MARINE RESOURCES

Minority

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

COMMITTEE AMENDMENT "A" to H.P. 523, L.D. 728, Bill, "An Act To Change the Noncommercial Scallop Season"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 12 MRSA §6701, sub-§7 is enacted to read:

7. Limitation. The holder of a hand fishing scallop license may not hold a noncommercial scallop license.

Sec. 2. 12 MRSA §6702, sub-§7 is enacted to read:

7. Limitation. The holder of a scallop boat license may not hold a noncommercial scallop license.

Sec. 3. 12 MRSA §6703, sub-§2, as enacted by PL 1985, c. 662, §4, is amended to read:

2. Licensed activity. The holder of a noncommercial scallop license may take scallops by hand or by use of a drag and may possess, ship or transport scallops he the holder has taken.

Sec. 4. 12 MRSA §6703, sub-§3-A, as enacted by PL 2003, c. 452, Pt. F, §20 and affected by Pt. X, §2, is amended to read:

COMMITTEE AMENDMENT

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2 **3-A. License limitation; personal use.** The holder of a
4 noncommercial scallop license may take or possess scallops for
personal use only and may not sell scallops the holder has
6 taken. The holder of a noncommercial scallop license may not
hold a hand fishing scallop license under section 6701 or a
scallop boat license under section 6702.

8 **Sec. 5. 12 MRSA §6721-A, sub-§1, ¶C** is enacted to read:

10 C. The holder of a noncommercial scallop license may not
12 possess, ship or transport scallops that are less than 5
14 inches in the longest diameter.

16 **Sec. 6. 12 MRSA §6722**, as amended by PL 2001, c. 272, §14, is
further amended to read:

18 **§6722. Closed areas**

20 ~~Unless--modified--by--regulation--adopted--under~~ Except as
22 provided by rule pursuant to section 6171-A, it is unlawful to or
24 as otherwise provided in this section, a person may not fish for
26 or take scallops in the territorial waters from April 16th to
28 November 30th, both days inclusive; except that a person fishing
pursuant to a noncommercial scallop license issued under section
6703 may not fish for or take scallops in the territorial waters
from April 16th to October 31st, both days inclusive.

30 **Sec. 7. 12 MRSA §6729, sub-§1, ¶¶B and C**, as enacted by PL
2003, c. 319, §2, are amended to read:

32 B. For a scallop draggers license, \$100; and

34 C. For a scallop diving tender license, \$50+; and

36 **Sec. 8. 12 MRSA §6729, sub-§1, ¶D** is enacted to read:

38 D. For a noncommercial scallop license, \$20.

40 **Sec. 9. 12 MRSA §6729-C** is enacted to read:

42 **§6729-C. Logbooks for noncommercial scallop harvesters**

44 1. Logbook; rules. The commissioner shall adopt rules
46 requiring any person holding a noncommercial scallop license to
maintain a logbook. The rules must indicate the type of data
48 that must be recorded in the logbooks, the manner for producing
the logbooks and the method for analyzing data from the
50 logbooks. The commissioner shall charge a fee for the logbook
that is sufficient to recover all costs associated with the

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2 production of the logbook and analysis of the data, except that
3 any personnel and operating costs associated with the logbook
4 must be paid from allocations from the Scallop Research Fund.
5 Fees received by the department from the sale of logbooks are
6 dedicated revenue and must be used by the department for the
7 purposes of this section. The logbook and data analysis may be
8 produced and conducted by the department or may be produced and
9 conducted by a public or private entity under contract with the
10 department. Disclosure of any data collected under this section
11 is subject to the confidentiality provisions of section 6173.
12 Rules adopted by the commissioner to implement this subsection
13 are routine technical rules as defined in Title 5, chapter 375,
14 subchapter 2-A.

15 2. Reporting. The commissioner may deny an application for
16 the renewal of a noncommercial scallop license if the license
17 holder fails to maintain a logbook or report the data required by
18 rule pursuant to subsection 1.'

20 **SUMMARY**

21 This amendment replaces the bill and is the minority report
22 of the committee. The amendment retains the provision of the
23 bill that changes the beginning of the noncommercial scallop
24 fishing season from December 1st to November 1st. The amendment
25 prohibits a person from holding a noncommercial scallop license
26 and a commercial scallop license at the same time. The amendment
27 limits the noncommercial scallop license to hand harvest only and
28 sets a minimum shell size limit of 5 inches for scallops taken by
29 noncommercial scallop harvesters. The amendment establishes a
30 \$20 license surcharge for noncommercial scallop licenses to go to
31 the Scallop Research Fund. The amendment requires the holder of
32 a noncommercial scallop license to maintain a logbook pursuant to
33 rules adopted by the Commissioner of Marine Resources.
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35
36

37 **FISCAL NOTE REQUIRED**
38 **(See attached)**



122nd MAINE LEGISLATURE

LD 728

LR 2013(02)

An Act To Change the Noncommercial Scallop Season

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

Committee: Marine Resources

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Current biennium revenue increase - Other Special Revenue Funds

Undetermined current biennium cost increase - Other Special Revenue Funds

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Revenue				
Other Special Revenue Funds	\$10,100	\$10,100	\$10,100	\$10,100

Fiscal Detail and Notes

Beginning in fiscal year 2005-06, the establishment of a license surcharge for noncommercial scallop licenses will increase annual Other Special Revenue Funds revenues collected by the Department of Marine Resources by \$10,100. Authorizing the Commissioner of Marine Resources to establish a fee for log books for noncommercial scallop harvesters will also increase Other Special Revenue Funds revenues; the amounts will depend on the fee established by the commissioner. The Scallop Research Fund within the department will incur additional expenses pertaining to the production and analysis of the logbook. The amounts can not be determined at this time.