

MAINE STATE LEGISLATURE

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SMG
R.S.

Date: 5/10/11

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MARINE RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 441, L.D. 558, Bill, "An Act To Provide Equal Treatment to Members of the Penobscot Nation with Regard to Marine Resources Licenses"

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

'An Act To Provide Members of the Penobscot Nation with Marine Resources Licenses'

Amend the bill in section 1 in §6302-A by striking out all of subsection 3 (page 2, lines 34 to 42 in L.D.) and inserting the following:

3. Lobster, sea urchin, scallop and elver licenses; limitations. ~~The Passamaquoddy Tribe may not issue pursuant~~ Pursuant to subsection 1:

A. ~~More than~~ The Passamaquoddy Tribe and Penobscot Nation may each issue up to 24 commercial lobster and crab fishing licenses in any calendar year 1998, including all licenses equivalent to Class I, Class II or Class III licenses and student licenses, but not including apprentice licenses. Any lobster and crab fishing license issued by the tribe after calendar year 1998 is Licenses issued under this paragraph are subject to the eligibility requirements of section 6421, subsection 5, and

B. ~~More~~ The Passamaquoddy Tribe may not issue more than 24 commercial licenses for the taking of sea urchins in any calendar year. Sea urchin licenses must be issued by zone in accordance with section 6749-P;

C. The commissioner shall adopt rules authorizing the Penobscot Nation to issue commercial sea urchin licenses if the commissioner determines that sea urchin resources are sufficient to permit the issuance of new licenses. The commissioner may not authorize the Penobscot Nation to issue more than 24 commercial sea urchin licenses in any calendar year;

D. The Penobscot Nation may not issue more than 20 commercial licenses for the taking of scallops in any calendar year, except that the commissioner shall by rule allow the Penobscot Nation to issue additional commercial licenses for the taking of

COMMITTEE AMENDMENT

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scallops if the commissioner determines that scallop resources are sufficient to permit the issuance of new licenses; and

E. The Penobscot Nation may not issue more than 8 commercial licenses for the taking of elvers in any calendar year, except that the commissioner shall by rule allow the Penobscot Nation to issue additional commercial licenses for the taking of elvers if the commissioner determines that elver resources are sufficient to permit the issuance of new licenses.

The Passamaquoddy Tribe, Penobscot Nation and Department of Marine Resources shall report on the status of the sea urchin, scallop and elver fisheries to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of each even-numbered year.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

SUMMARY

This amendment changes the title of the bill and clarifies that the Passamaquoddy Tribe and the Penobscot Nation each may issue up to 24 lobster and crab fishing licenses annually to their members.

The amendment also provides that the Penobscot Nation may issue commercial sea urchin licenses to its members when the sea urchin resource recovers and new entry is allowed in the fishery. As specified by the Commissioner of Marine Resources in rule, the Penobscot Nation may issue 20 or fewer commercial scallop licenses in a calendar year and additional commercial scallop licenses if the scallop fishery opens to new entry and 8 or fewer commercial elver licenses in a calendar year and additional commercial elver licenses if the commercial elver fishery opens to new entry.

The amendment also requires the Passamaquoddy Tribe, the Penobscot Nation and the Department of Marine Resources to report on the status of sea urchin, scallop and elver fisheries to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of each even-numbered year.

FISCAL NOTE REQUIRED

(See attached)



Approved: 04/21/11 *MAC*

125th MAINE LEGISLATURE

LD 558

LR 519(02)

An Act To Provide Equal Treatment to Members of the Penobscot Nation with Regard to Marine Resources Licenses

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

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor revenue decrease - General Fund
Minor revenue decrease - Other Special Revenue Funds

Fiscal Detail and Notes

Allowing members of the Penobscot Nation to engage in certain marine resources harvesting activities with a tribal license could result in a minor reduction in General Fund revenue not requiring any change to the budget.