

# MAINE STATE LEGISLATURE

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L.D. 1522

Date: 6-1-11

(Filing No. S-215)

MARINE RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

125TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 483, L.D. 1522, Bill, "An Act To Make Technical Changes to Marine Resources Laws"

Amend the bill in Part A by striking out all of section 1 and inserting the following:

**Sec. A-1. 12 MRSA §6022, sub-§18** is enacted to read:

**18. Commissioner's authority.** The State assents to the provisions of the Federal Aid in Sport Fish Restoration Act, 16 United States Code, Chapter 10B, as amended. The commissioner may perform all acts necessary for the establishment and implementation of cooperative fish restoration and management projects as defined by that Act and the implementing regulations promulgated under that Act.

**Sec. A-2. 12 MRSA §6302-A, sub-§1,** as amended by PL 2011, c. 137, §1, is further amended to read:

**1. Tribal exemption; commercial harvesting licenses.** A member of the Passamaquoddy Tribe or Penobscot Nation who is a resident of the State is not required to hold a state license or permit issued under section 6421, 6501, ~~6502-A~~, 6505-A, 6505-C, 6535, 6601, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6803 or 6804 to conduct activities authorized under the state license or permit if that member holds a valid license issued by the tribe or nation to conduct the activities authorized under the state license or permit. A member of the Passamaquoddy Tribe or Penobscot Nation issued a tribal license pursuant to this subsection to conduct activities is subject to all laws and rules applicable to a person who holds a state license or permit to conduct those activities and to all the provisions of chapter 625, except that the member of the tribe or nation:

A. May utilize lobster traps tagged with trap tags issued by the tribe or nation in a manner consistent with trap tags issued pursuant to section 6431-B. A member of the tribe or nation is not required to pay trap tag fees under section 6431-B if the tribe or nation issues that member trap tags;

B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe or nation in a manner consistent with tags issued pursuant to section 6505-B. A member

1 of the tribe or nation is not required to pay elver fishing gear fees under section  
2 6505-B if the tribe or nation issues that member elver fishing gear tags; and

3 C. Is not required to hold a state shellfish license issued under section 6601 to obtain  
4 a municipal shellfish license pursuant to section 6671.'

5 Amend the bill in Part A by inserting after section 7 the following:

6 '**Sec. A-8. 12 MRSA §6431, sub-§1**, as amended by PL 2005, c. 6, §1, is further  
7 amended to read:

8 **1. Minimum and maximum length.** A person may not buy, sell, give away,  
9 transport, ship or possess any lobster that is less than the minimum size established in this  
10 subsection or more than 5 inches in length, as determined by the ~~state double gauge~~  
11 lobster measure certified in accordance with subsection 3. Except as provided in  
12 subsection 1-A, the minimum lobster size is 3 8/32 inches.'

13 Amend the bill in Part A by striking out all of sections 9 and 10 (page 3, lines 8 to 30  
14 in L.D.)

15 Amend the bill in Part A by inserting after section 19 the following:

16 '**Sec. A-20. 12 MRSA §6851, sub-§§2-B and 2-C**, as enacted by PL 1993, c.  
17 740, §4, are amended to read:

18 **2-B. Wholesale seafood license with a sea urchin buyer's permit.** At the request  
19 of the applicant, the commissioner shall issue a wholesale seafood license with a sea  
20 urchin buyer's permit. A person holding a wholesale seafood license with a sea urchin  
21 buyer's permit may engage in all the activities in subsection 2 and may buy, sell, ship or  
22 transport whole sea urchins or sea urchin parts. A license under this subsection does not  
23 authorize a person to engage in the processing of sea urchins ~~or to buy, sell, ship or~~  
24 ~~transport sea urchin parts~~.

25 **2-C. Wholesale seafood license with a sea urchin processor's permit.** At the  
26 request of the applicant, the commissioner shall issue a wholesale seafood license with a  
27 sea urchin processor's permit. A person holding a wholesale seafood license with a sea  
28 urchin processor's permit may engage in all the activities in subsection 2 and may buy,  
29 sell, process, ship or transport whole sea urchins or sea urchin parts processed under that  
30 license.'

31 Amend the bill in Part B in section 6 in §6042 in subsection 5 by striking out all of  
32 the first sentence (page 7, lines 26 to 29 in L.D.) and inserting the following: 'The  
33 commissioner shall retain a permanent right of first refusal on any working waterfront  
34 property acquired in fee or protected by working waterfront covenant or other  
35 less-than-fee interests under Title 5, section 6203-B.'

36 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
37 section number to read consecutively.

38 **SUMMARY**

39 This amendment makes the following changes.





Approved: 05/28/11 *mac*

# 125th MAINE LEGISLATURE

LD 1522

LR 236(02)

**An Act To Make Technical Changes to Marine Resources Laws**

**Fiscal Note for Bill as Amended by Committee Amendment "A" S-215**

**Committee: Marine Resources**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor revenue increase - General Fund

Minor revenue increase - Other Special Revenue Funds

### Correctional and Judicial Impact Statements

No net impact on civil violations and Class E crimes.

Minor impact on fine revenue.

### Fiscal Detail and Notes

This bill makes changes to the commercial fishing and pelagic and anadromous fishing licenses and would result in a minor increase in General Fund and Other Special Revenue Funds revenue not requiring any change to the budget.