

# MAINE STATE LEGISLATURE

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Date: 3/12/14

(Filing No. H-682)

**MARINE RESOURCES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1176, L.D. 1604, Bill, "An Act To Make Technical Changes to Marine Resources Laws"

Amend the bill by inserting after the title and before the enacting clause 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,** the 2014 elver fishing season begins at noon on March 22, 2014, and this legislation makes changes to the elver fishing licensing laws that need to take effect in time for the 2014 season; and

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

Amend the bill by striking out all of section 1.

Amend the bill in section 5 in §6407 by striking out all of subsection 1 (page 1, lines 22 and 23 in L.D.) and inserting the following:

**'1. Conviction or adjudication.** ~~A judgment of guilt shall be considered a~~ A conviction of a crime is considered a conviction and an adjudication of a civil violation is considered an adjudication during the pendency of appeal;'

Amend the bill by inserting after section 5 the following:

**'Sec. 6. 12 MRSA §6455, sub-§5-A, ¶¶B, C and D,** as enacted by PL 2013, c. 309, §2, are amended to read:

B. For the year 2014 the surcharges are, for:

- (1) Class I lobster and crab fishing licenses for persons 18 to 69 years of age, \$55.25;

**COMMITTEE AMENDMENT**

A. 4. 5.

- 1 (2) Class II lobster and crab fishing licenses, \$110.50, except that for license  
2 holders 70 years of age or older the surcharge is \$55;
- 3 (3) Class III lobster and crab fishing licenses, \$160.75, except that for license  
4 holders 70 years of age or older the surcharge is \$80;
- 5 (4) Nonresident lobster and crab landing permits, ~~\$425~~ \$160.75;
- 6 (5) Wholesale seafood licenses with lobster permits if the license holders hold no  
7 supplemental wholesale seafood licenses with lobster permits, or lobster  
8 transportation licenses if the license holders hold no supplemental lobster  
9 transportation licenses, \$400;
- 10 (6) Supplemental wholesale seafood licenses with lobster permits or  
11 supplemental lobster transportation licenses as follows:
  - 12 (a) Six hundred dollars for up to 2 supplemental wholesale seafood licenses  
13 with lobster permits or supplemental lobster transportation licenses;
  - 14 (b) Eight hundred dollars for 3 to 5 supplemental wholesale seafood licenses  
15 with lobster permits or supplemental lobster transportation licenses; and
  - 16 (c) One thousand dollars for 6 or more supplemental wholesale seafood  
17 licenses with lobster permits or supplemental lobster transportation licenses;  
18 and
- 19 (7) Lobster processor licenses, \$333 if less than 1,000,000 pounds of raw  
20 product is processed, and \$1,333 if 1,000,000 pounds or more of raw product is  
21 processed.

22 C. For the year 2015 the surcharges are, for:

- 23 (1) Class I lobster and crab fishing licenses for persons 18 to 69 years of age,  
24 \$110.25;
- 25 (2) Class II lobster and crab fishing licenses, \$220.50, except that for license  
26 holders 70 years of age or older the surcharge is \$110;
- 27 (3) Class III lobster and crab fishing licenses, \$320.75, except that for license  
28 holders 70 years of age or older the surcharge is \$160;
- 29 (4) Nonresident lobster and crab landing permits, ~~\$850~~ \$320.75;
- 30 (5) Wholesale seafood licenses with lobster permits if the license holders hold no  
31 supplemental wholesale seafood licenses with lobster permits, or lobster  
32 transportation licenses if the license holders hold no supplemental lobster  
33 transportation licenses, \$800;
- 34 (6) Supplemental wholesale seafood licenses with lobster permits or  
35 supplemental lobster transportation licenses as follows:
  - 36 (a) One thousand two hundred dollars for up to 2 supplemental wholesale  
37 seafood licenses with lobster permits or supplemental lobster transportation  
38 licenses;

PL 2013, c. 282, §5

- 1 (b) One thousand six hundred dollars for 3 to 5 supplemental wholesale  
2 seafood licenses with lobster permits or supplemental lobster transportation  
3 licenses; and
- 4 (c) Two thousand dollars for 6 or more supplemental wholesale seafood  
5 licenses with lobster permits or supplemental lobster transportation licenses;  
6 and
- 7 (7) Lobster processor licenses, \$666 if less than 1,000,000 pounds of raw  
8 product is processed, and \$2,666 if 1,000,000 pounds or more of raw product is  
9 processed.
- 10 D. For the years 2016 to 2018 the surcharges are, for:
- 11 (1) Class I lobster and crab fishing licenses for persons 18 to 69 years of age,  
12 \$165.25;
- 13 (2) Class II lobster and crab fishing licenses, \$330.50, except that for license  
14 holders 70 years of age or older the surcharge is \$165;
- 15 (3) Class III lobster and crab fishing licenses, \$480.75, except that for license  
16 holders 70 years of age or older the surcharge is \$240;
- 17 (4) Nonresident lobster and crab landing permits, ~~\$1,275~~ \$480.75;
- 18 (5) Wholesale seafood licenses with lobster permits if the license holders hold no  
19 supplemental wholesale seafood licenses with lobster permits, or lobster  
20 transportation licenses if the license holders hold no supplemental lobster  
21 transportation licenses, \$1,200;
- 22 (6) Supplemental wholesale seafood licenses with lobster permits or  
23 supplemental lobster transportation licenses as follows:
- 24 (a) One thousand eight hundred dollars for up to 2 supplemental wholesale  
25 seafood licenses with lobster permits or supplemental lobster transportation  
26 licenses;
- 27 (b) Two thousand four hundred dollars for 3 to 5 supplemental wholesale  
28 seafood licenses with lobster permits or supplemental lobster transportation  
29 licenses; and
- 30 (c) Three thousand dollars for 6 or more supplemental wholesale seafood  
31 licenses with lobster permits or supplemental lobster transportation licenses;  
32 and
- 33 (7) Lobster processor licenses, \$1,000 if less than 1,000,000 pounds of raw  
34 product is processed, and \$4,000 if 1,000,000 pounds or more of raw product is  
35 processed.

36 **Sec. 7. 12 MRSA §6535, sub-§2, ¶¶A and B**, as enacted by PL 2013, c. 282,  
37 §5, are amended to read:

1 A. A diving tender licensed under this section may not sell sea urchins or scallops  
2 unless the person:

3 (1) Sells sea urchins ~~or scallops~~ to a purchaser who holds a valid wholesale  
4 seafood license with a sea urchin buyer's permit or a valid wholesale seafood  
5 license with a sea urchin processor's permit or a valid retail seafood license or  
6 sells scallops to a purchaser who holds a valid wholesale seafood license or a  
7 valid retail seafood license; and

8 (2) Provides to the purchaser the name and license number of the license holder  
9 with whom the person was engaged when the sea urchins or scallops were  
10 harvested.

11 B. A holder of a wholesale seafood license, a wholesale seafood license with a sea  
12 urchin buyer's permit or a wholesale seafood license with a sea urchin processor's  
13 permit or a retail seafood license who purchases scallops or sea urchins from a diving  
14 tender licensed under this section may not purchase the sea urchins or scallops except  
15 by check or cashier's check unless there is a written receipt associated with the  
16 transaction, and the holder of a wholesale seafood license, a wholesale seafood  
17 license with a sea urchin buyer's permit or a wholesale seafood license with a sea  
18 urchin processor's permit or a retail seafood license who purchases scallops or sea  
19 urchins from a licensed diving tender shall report the information provided by the  
20 person under paragraph A, subparagraph (2) in accordance with section 6173.

21 **Sec. 8. 12 MRSA §6702, sub-§4**, as amended by PL 2013, c. 301, §15, is further  
22 amended to read:

23 **4. Personal use exception.** In any one day, a person licensed pursuant to section  
24 6703 may take or possess not more than ~~one bushel~~ 1 1/2 bushels of shell scallops or one  
25 gallon of shucked scallops for personal use without a scallop dragging license under this  
26 section.

27 **Sec. 9. 12 MRSA §6703, sub-§3**, as amended by PL 2013, c. 301, §16, is further  
28 amended to read:

29 **3. License limitation; quantity.** In any one day, the holder of a noncommercial  
30 scallop license may not take or possess more than ~~one bushel~~ 1 1/2 bushels of shell  
31 scallops or one gallon of shucked scallops.

32 **Sec. 10. 12 MRSA §6808, sub-§4**, as amended by PL 2009, c. 229, §19, is  
33 further amended to read:

34 **4. Exemptions.** Notwithstanding subsection 1, a license is not required to fish for,  
35 take, possess or transport green crabs for personal use if the green crabs are taken by a  
36 method exempted under section 6501, subsection 3, paragraph A. A municipality or the  
37 holder of an aquaculture lease or license that harvests green crabs under authorization  
38 from the department is not required to have a commercial green crab only license as long  
39 as the harvesting of green crabs occurs under supervision of the municipality or the  
40 holder of an aquaculture lease or license. Notwithstanding subsection 1, any individual  
41 licensed to fish for lobster and crab pursuant to section 6421, subsection 1, paragraph A,  
42 B, C or E may also fish for or take green crabs and possess, ship, transport or sell green  
43 crabs that the license holder has taken. In accordance with section 6853, the holder of a

1 marine worm dealer's license is not required to have a commercial green crab only license  
2 to buy, possess, ship, transport or sell green crabs for a purpose other than for human  
3 consumption. In accordance with section 6851, the holder of a wholesale seafood dealer's  
4 license is not required to have a commercial green crab only license to buy, possess, ship,  
5 transport or sell green crabs.'

6 Amend the bill by inserting after section 7 the following:

7 'Sec. 8. 12 MRSA §6851, sub-§2, as amended by PL 2011, c. 598, §41, is further  
8 amended to read:

9 2. **License activities.** The holder of a wholesale seafood license may, in the  
10 wholesale or retail trade:

11 A. Within or beyond the state limits, buy, sell, process, ship or transport any marine  
12 species or their parts, except lobsters and sea urchins and shrimp purchased directly  
13 from harvesters;

14 B. Within or beyond the state limits, buy, sell, shuck, pack, ship or, within the state  
15 limits, transport fresh or frozen shellfish, except lobsters, to the extent these activities  
16 are expressly authorized by a shellfish certificate issued under section 6856; or

17 D. Buy, sell, process, ship or, within the state limits, transport crayfish; and

18 E. Within or beyond the state limits, buy, possess, ship, transport or sell green crabs  
19 without a commercial green crab only license issued under section 6808.

20 A holder of a wholesale seafood license when buying directly from a harvester may buy  
21 only from a harvester who possesses the license or permit for that species as required  
22 under this Part. The harvester shall make the applicable marine resources license or  
23 permit available for inspection upon the wholesale seafood license holder's request.'

24 Amend the bill by inserting after section 8 the following:

25 'Sec. 9. 12 MRSA §6853, as amended by PL 2009, c. 213, Pt. G, §39 and c. 478,  
26 §4, is further amended to read:

27 **§6853. Marine worm dealer's license; green crab authorizations**

28 1. **License required.** A person may not engage in the activities authorized under  
29 this section without a current:

30 A. Marine worm dealer's license;

31 B. Supplemental marine worm dealer's license; or

32 C. Other license issued under this Part authorizing the activities.

33 2. **Licensed activity.** The holder of a marine worm dealer's license may buy,  
34 possess, ship, transport or sell marine worms. The holder of a marine worm dealer's  
35 license may also buy, possess, ship, transport or sell green crabs for a purpose other than  
36 for human consumption without a commercial green crab only license issued under  
37 section 6808.

38 3. **License limited.** A license authorizes these activities at only one establishment or  
39 with only one vehicle.



COMMITTEE AMENDMENT "A" to H.P. 1176, L.D. 1604

1 Finally, the amendment sets February 1st as the deadline for issuing an elver dealer's  
2 license for the current licensing year. Currently, the law sets February 1st of the current  
3 year as the deadline for issuing an elver dealer's license for the following licensing year.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**





Approved: 03/05/14 *mac*

# 126th MAINE LEGISLATURE

LD 1604

LR 2540(02)

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

**Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-682)**

**Committee: Marine Resources**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor revenue decrease - Other Special Revenue Funds

### Fiscal Detail and Notes

The bill lowers fiscal year 2014, fiscal year 2015 and fiscal years 2016 through 2018 surcharges for nonresident lobster and crab landing permits from \$425 to \$160.75, \$850 to \$320.75 and \$1,275 to \$480.75 respectively. This bill lowers fees for commercial green crab only licenses from \$38 to \$10 for residents and from \$76 to \$20 for nonresidents. The bill allows the holder of a marine worm dealer's license to buy, possess, ship, transport or sell green crabs for non-human consumption purposes without a commercial green crab only license. The Department of Marine Resources has indicated that very few of these permits and licenses are currently sold and that lowering the price should increase the number sold, offsetting most of the fee reductions.