

MAINE STATE LEGISLATURE

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Date: 4/3/14

L.D. 1830

(Filing No. H-808)

Minority
MARINE RESOURCES

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

COMMITTEE AMENDMENT "B" to H.P. 1318, L.D. 1830, Bill, "An Act To Promote Rockweed Habitat Conservation through the Consideration of No-harvest Areas"

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

'An Act To Further the Implementation of the Rockweed Fishery Management Plan'

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

'Sec. 1. 12 MRSA §6807, as amended by PL 2013, c. 169, §1, is further amended to read:

§6807. Seaweed harvesting rules

The commissioner may adopt rules regulating the harvest of seaweed on a species-specific basis, including, but not limited to, the total number of licenses that may be issued, the designation of a harvesting season or seasons, the quantity of the resource that may be harvested in a season, areas that may be open or closed to harvest, the designation of sectors, limitations on harvest by sector, establishment of a process for allocation to sectors and gear and techniques that may be used in harvesting. Rules establishing areas closed to harvest or areas that may be seasonally closed to harvest and a process for the allocation to sectors under this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. All other rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 2. Statewide management plan for rockweed; update on recommended actions. The Commissioner of Marine Resources, referred to in this section as "the commissioner," shall complete and present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 31, 2015 an update on the implementation of the Rockweed Fishery Management Plan, referred to in this section as "the plan," dated January 2014, developed pursuant to Public Law 2013,

COMMITTEE AMENDMENT

1 chapter 169 and in accordance with the Maine Revised Statutes, Title 12, section 6171,
2 subsection 2-A.

3 **1. Working group convened.** The commissioner shall create a working group
4 whose purpose is to complete the work on developing criteria for areas closed to harvest
5 or that are seasonally closed to harvest and identification of areas closed to harvest or that
6 are seasonally closed to harvest as recommended by the plan, and recommend a process
7 by which those designations will be maintained and adjusted as necessary. The working
8 group must consist of scientists and other experts with areas of expertise relevant to the
9 fishery and the considerations previously discussed by the plan's plan development team
10 relevant to no-harvest determinations and staff as determined by the commissioner.

11 **2. Working group membership; criteria; areas closed to harvest.** The update must
12 identify:

- 13 A. The membership of the working group convened pursuant to subsection 1;
14 B. The criteria recommended by the working group to be used to determine areas to
15 be closed to harvest or areas that are seasonally closed to harvest, and the scientific or
16 legal reasoning for each criterion;
17 C. Based upon the criteria in paragraph B, the recommended process for designating
18 areas closed to harvest or areas that are seasonally closed to harvest, disseminating
19 those designations and revising those designations; and
20 D. To the extent possible, the recommendations of the working group in identifying
21 areas closed to harvest or areas that are seasonally closed to harvest.

22 **3. Legislation.** The joint standing committee of the Legislature having jurisdiction
23 over marine resources matters is authorized to report out a bill to the First Regular
24 Session of the 127th Legislature that is related to the implementation of the plan update
25 submitted pursuant to this section.'

26 **SUMMARY**

27 This amendment, which is the minority report, replaces the bill and differs from the
28 majority report in that it makes major substantive the rules establishing areas closed to
29 harvesting rockweed or areas that are seasonally closed to harvesting rockweed.

FISCAL NOTE REQUIRED
(See attached)



126th MAINE LEGISLATURE

LD 1830

LR 2858(03)

An Act To Promote Rockweed Habitat Conservation through the Consideration of No-harvest Areas

Fiscal Note for Bill as Amended by Committee Amendment *B* (H-808)
Committee: Marine Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The bill requires the Department of Marine Resources (DMR) to prepare and submit an update to the Legislature on implementation of the Rockweed Fishery Management Plan. The DMR must create a working group of experts to complete the work on developing criteria for certain areas closed to harvest or seasonally closed to harvest as recommended by the Rockweed Fishery Management Plan. The bill requires rules establishing areas closed to harvest and a process for the allocation to sectors be major substantive rules. Any additional costs to the DMR to undertake these activities are expected to be minor and can be absorbed within existing budgeted resources.