

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1830

H.P. 1318

House of Representatives, March 18, 2014

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

Reported by Representative KUMIEGA of Deer Isle for the Joint Standing Committee on Marine Resources pursuant to Public Law 2013, chapter 169, section 2.

Reference to the Committee on Marine Resources suggested and ordered printed pursuant to Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

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

4 **§6807. Seaweed harvesting rules**

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

14 **Sec. 2. Statewide management plan for rockweed; final report.** The
15 Commissioner of Marine Resources, referred to in this section as "the commissioner,"
16 shall complete and present to the joint standing committee of the Legislature having
17 jurisdiction over marine resources matters by January 31, 2015 a statewide management
18 plan for rockweed pursuant to the Maine Revised Statutes, Title 12, section 6171,
19 subsection 2-A.

20 **1. Recommendations; criteria; areas closed to harvest.** The plan must include
21 recommendations for:

22 A. The criteria used to identify areas to be closed to the commercial harvest of
23 rockweed on a permanent or seasonal basis, which must include:

24 (1) The impact of harvesting rockweed on conserved lands and sensitive wildlife
25 areas, including, but not limited to, shorebird and migratory waterfowl habitat,
26 seal haul-outs, marine mammal habitat, state parks, federal conservation land,
27 land conserved through the federal North American Wetlands Conservation Act,
28 land and water contained in wildlife management areas designated and managed
29 by the Department of Inland Fisheries and Wildlife and defined under the Maine
30 Revised Statutes, Title 12, section 10001, subsection 74 and natural areas defined
31 as critical areas under Title 12, section 544, subsection 2, paragraph B; and

32 (2) The need for reference sites along the coast and control plots in or around
33 sectors under Title 12, section 6807 for the purpose of establishing research areas
34 that allow for comparisons between harvested and natural areas to evaluate the
35 long-term effects of harvesting rockweed; and

36 B. The closure of areas identified using criteria recommended pursuant to paragraph
37 A, except for reference areas that are identified for research purposes following the
38 allocation to sectors.

39 **2. Working group convened.** The commissioner shall create a working group whose
40 purpose is to evaluate the impact of rockweed harvesting on sensitive wildlife habitat

1 areas and conservation lands in order to generate input on no-harvest conservation areas
2 and designate specific areas appropriate for closure for inclusion in the plan. In
3 establishing this working group, the commissioner shall solicit the participation of
4 individuals or entities with expertise that is specific to the role of rockweed and its impact
5 on the vitality of wildlife habitat and conservation land. Working group members shall
6 evaluate at their meetings peer-reviewed scientific data and additional input and consider
7 information submitted by pertinent stakeholders or other entities with specific expertise
8 or local knowledge regarding sensitive wildlife areas or rockweed beds in support of
9 closing an area to protect sensitive wildlife and wildlife habitat and from harvesters about
10 harvest practices and the impacts of potential closures on industry in order to identify
11 areas that may be appropriate for designation as no-harvest areas for conservation. The
12 working group shall generate the criteria for designating no-harvest areas for
13 conservation and prepare a list of areas to be closed to rockweed harvesting for
14 conservation for the plan.

15 **3. Legislation.** The joint standing committee of the Legislature having jurisdiction
16 over marine resources matters is authorized to report out a bill to the First Regular
17 Session of the 127th Legislature that is related to the rockweed plan submitted pursuant to
18 this section.

19 **SUMMARY**

20 This bill changes the existing law for seaweed harvesting rules to make the rules for
21 the allocation to sectors major substantive and not routine technical rules, as is currently
22 the case. This bill also directs the Commissioner of Marine Resources to convene a
23 working group that will identify criteria for the designation of no-harvest areas for
24 conservation and to identify specific areas that are to be closed to rockweed harvesting,
25 except for research purposes, on a seasonal or permanent basis according to the criteria
26 identified by the working group. The commissioner is required to complete and present to
27 the joint standing committee of the Legislature having jurisdiction over marine resources
28 matters by January 31, 2015 a statewide management plan for rockweed. The committee
29 is authorized to report out legislation to the First Regular Session of the 127th Legislature
30 related to the plan.