

# MAINE STATE LEGISLATURE

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SMC  
2015

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Date: 5/27/15

L.D. 669

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(Filing No. H-218)

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## MARINE RESOURCES

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### STATE OF MAINE

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### HOUSE OF REPRESENTATIVES

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### 127TH LEGISLATURE

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### FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 450, L.D. 669, Bill, "An Act To Create a Spat Collection License"

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

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**Sec. 1. 12 MRSA §6074-A** is enacted to read:

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#### **§6074-A. Spat collection license**

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**1. Definition.** As used in this section, "spat" means sea scallops, *Placopectin magellanicus*, or blue mussels, *Mytilus edulis*, in the post-larval stage that have gone through metamorphosis and settled on a substrate. The commissioner may, by rule, add additional species to this definition.

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**2. License required.** A person may not engage in the activities authorized under this section without a current spat collection license issued by the commissioner. A person who holds a lease issued under section 6072 or 6072-A or a license issued under section 6072-C is exempt from the requirement to obtain a spat collection license to collect spat on the lease site or in connection with the license issued under section 6072-C if the species is commercially cultured and listed on that person's lease or license.

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**3. Licensed activity.** The holder of a spat collection license may take, possess or sell the spat of marine organisms identified on the spat collection license.

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**4. Type and amount of gear.** The commissioner shall specify on a spat collection license the method of taking and the type and amount of gear authorized by the license.

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**5. Eligibility.** A spat collection license may be issued only to an individual who is a resident of the State.

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**6. Rules.** The commissioner shall adopt rules that define the maximum size of spat for each species that a holder of a spat collection license is authorized to take. The commissioner may adopt rules to limit the amount of spat collected and the type and amount of gear that may be used for spat collection for each species. Rules adopted

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

3 **7. License holder exempted.** The holder of a spat collection license is exempt from  
4 the requirement to hold a license under this Part for harvesting the species identified on  
5 the spat collection license up to the maximum size of spat that is specified for that species  
6 in rule. The holder of a spat collection license is exempt from the time restrictions on  
7 taking and possessing and minimum size requirements for that species up to the  
8 maximum size of spat that is specified for that species in rule.

9 **8. Fees.** The fee for a spat collection license is \$75. All fees collected under this  
10 subsection accrue to the Aquaculture Management Fund established in section 6072-D.

11 **9. Reporting.** The commissioner may require the holder of a spat collection license  
12 to report annually on the quantity of spat collected and whether the spat was used for  
13 aquaculture or stock enhancement activities.

14 **10. Violation.** A person who violates this section commits a civil violation for  
15 which a fine of not less than \$100 and not more than \$500 may be adjudged.

16 **Sec. 2. Effective date.** This Act takes effect January 1, 2016.'

## 17 SUMMARY

18 The bill creates a spat collection license. This amendment specifies that "spat" means  
19 sea scallops or blue mussels in the post-larval stage that have gone through  
20 metamorphosis and settled on a substrate and provides that the Commissioner of Marine  
21 Resources may add additional species to this definition by rule. This amendment  
22 provides that an aquaculture lease or license holder is exempt from the requirement to  
23 hold a spat collection license for a species listed on that person's lease or license if the  
24 species is commercially cultured. This amendment clarifies that a holder of a spat  
25 collection license is not required to hold a separate license for harvesting the species  
26 identified on the spat collection license for harvesting up to the maximum size of spat of  
27 that species, as specified by rule adopted by the commissioner. This amendment reduces  
28 the fee for a spat collection license from \$143 to \$75. This amendment establishes an  
29 effective date of January 1, 2016.

## 30 FISCAL NOTE REQUIRED

31 (See attached)



# 127th MAINE LEGISLATURE

LD 669

LR 507(02)

## An Act To Create a Spat Collection License

Fiscal Note for Bill as Amended by Committee Amendment "A (H-218)"

Committee: Marine Resources

Fiscal Note Required: Yes

### Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
<b>Revenue</b>				
Other Special Revenue Funds	\$2,250	\$2,250	\$2,250	\$2,250

### Correctional and Judicial Impact Statements

Increases the number of civil violations.  
The collection of additional fines may also increase General Fund revenue by minor amounts.

### Fiscal Detail and Notes

The bill creates a spat collection license with an annual fee of \$75 to allow the taking, possessing and selling of the spat of a marine organism on the license. This will increase Other Special Revenue Funds revenue by an estimated \$2,250 annually to the Aquaculture Management Fund within the Department of Marine Resources beginning in fiscal year 2015-16 and in every subsequent fiscal year.