

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 730

S.P. 260

In Senate, March 5, 2015

An Act To Make Technical Changes to Maine's Marine Resources Laws

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BAKER of Sagadahoc.
Cosponsored by Representative KUMIEGA of Deer Isle and
Representatives: ALLEY of Beals, DEVIN of Newcastle, HAWKE of Boothbay Harbor,
McCREIGHT of Harpswell, SAWICKI of Auburn, TUELL of East Machias.

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

2 **Sec. 1. 12 MRSA §6072, sub-§10, ¶A,** as repealed and replaced by PL 2003, c.
3 247, §6, is repealed.

4 **Sec. 2. 12 MRSA §6301, sub-§2, ¶U,** as amended by PL 2013, c. 492, §1, is
5 repealed.

6 **Sec. 3. 12 MRSA §6421, sub-§3-A, ¶E,** as repealed and replaced by PL 2003, c.
7 468, §1, is amended to read:

8 E. A student license authorizes the license holder to engage in the licensed activities
9 under subsection 2. A student license may be issued only to a person who, at the time
10 of application, is 8 years of age or older and under 23 years of age. A person issued a
11 student license may not submerge more than:

12 (1) Ten lobster traps in the coastal waters of the State if the person is 8 years of
13 age or older and under 11 years of age;

14 (2) Fifty lobster traps in the coastal waters of the State if the person is 11 years
15 of age or older and under 14 years of age; or

16 (3) One hundred and fifty lobster traps in the coastal waters of the State if the
17 person is 14 years of age or older and under 23 years of age.

18 A person issued a student license is enrolled in the apprentice program under section
19 6422. When applying for a license the person must designate a sponsor and may
20 designate up to 3 sponsors. For the purposes of this paragraph, "sponsor" means a
21 person who holds a Class I, Class II or Class III lobster and crab fishing license
22 issued under this section.

23 **Sec. 4. 12 MRSA §6439-A,** as amended by PL 2001, c. 272, §4, is repealed.

24 **Sec. 5. 12 MRSA §6446, sub-§1-A,** as amended by PL 2007, c. 201, §16, is
25 further amended to read:

26 **1-A. Declared lobster zone; authorized zones.** On an application for a Class I,
27 Class II, Class III, student or noncommercial lobster and crab fishing license or a
28 nonresident lobster and crab landing permit, a person shall declare the lobster
29 management zone in which that person proposes to fish a majority of that person's lobster
30 traps and shall list all other zones in which that person proposes to fish any of that
31 person's lobster traps. A Class I, Class II, Class III, student or noncommercial lobster and
32 crab fishing license or a nonresident lobster and crab landing permit must identify the
33 declared lobster zone in which the person is authorized to fish a majority of that person's
34 lobster traps and must identify all other zones in which a person is authorized to fish that
35 person's traps. A person may not place any lobster traps in a zone that is not identified on
36 that person's license. For the purposes of this subsection, the majority of a person's
37 lobster traps must be determined from the number of trap tags issued to that person.

38 **Sec. 6. 12 MRSA §6447, sub-§5,** as amended by PL 2009, c. 499, §2 and
39 affected by §3, is further amended to read:

1 **5. Council authority.** Upon approval in a referendum under subsection 6, a lobster
2 management policy council may propose to the commissioner rules for a zone to place
3 the following limitations on lobster and crab fishing license holders that fish in that zone,
4 as long as the proposed limitations are equal to or stricter than the limitations under
5 section 6431-A, ~~6439-A~~ or 6440:

6 A. The number of lobster traps fished and the time periods allowed for complying
7 with that number;

8 B. The number of lobster traps allowed on a trawl; and

9 C. The time of day when lobster fishing may occur.

10 **Sec. 7. 12 MRSA §6448, sub-§3**, as enacted by PL 1999, c. 508, §3, is amended
11 to read:

12 **3. Fishing in limited-entry zones.** A person who holds a Class I, Class II ~~or~~, Class
13 III or student lobster and crab fishing license may not fish a majority of that person's
14 lobster traps in a limited-entry zone unless that person's license identifies that zone as the
15 declared lobster zone.

16 **Sec. 8. 12 MRSA §6481, sub-§1**, as enacted by PL 2013, c. 342, §1, is amended
17 to read:

18 **1. Swans Island Lobster Conservation Area.** The following territorial waters of
19 the State in the vicinity of Swans Island are known as the Swans Island Lobster
20 Conservation Area:

21 Beginning at the northern tip of Long Point, Marshall Island, Hancock County, Maine;
22 then northerly to the navigational buoy at the western entrance to Toothacker Bay,
23 located at ~~the intersection of Loran lines 9960 W 12492.0 and 9960 X 25800.0~~
24 68°30.657' W. Longitude, 44°08.063' N. Latitude; then northeasterly to West Point,
25 Swans Island, Hancock County, Maine; then from Phinney Point on the northeastern
26 shore of Swans Island southeasterly to ~~the intersection of Loran lines 9960 W 12445.6~~
27 and 9960 X 25780.9, 68°22.40' W. Longitude, 44°08.79' N. Latitude, Hancock County,
28 Maine; then southwesterly to ~~the intersection of Loran lines 9960 W 12468.0 and 9960~~
29 X 25773.0, 68°23.6' W. Longitude, 44°06.4' N. Latitude; then south-southwesterly to ~~the~~
30 intersection of Loran lines 9960 W 12482.2 and 9960 X 25766.4, 68°24.01' W.
31 Longitude, 44°04.8' N. Latitude; then southerly to ~~the intersection of Loran lines 9960 W~~
32 12493.5 and 9960 X 25758.4, 68°23.9' W. Longitude, 44°03.1' N. Latitude, and the
33 intersection with the 3-nautical-mile line of the territorial waters, as shown on United
34 States Department of Commerce, National Oceanic and Atmospheric Administration,
35 National Ocean Service, Office of Coast Survey Chart #13312; then southwesterly along
36 the 3-nautical-mile line of the territorial waters approximately 3.5 miles to a point where
37 a line drawn southeasterly 165° True from the center of Black Ledges intersects the 3-
38 nautical-mile line of the territorial waters at ~~Loran lines 9960 W 12524.5 and 9960 X~~
39 25765.5, 68°28.6' W. Longitude, 44°01.9' N. Latitude; then northwesterly 345° True to the
40 center of Black Ledges; then northwesterly to the most southerly point of Marshall
41 Island; ~~thence~~ then along the westerly shore of Marshall Island to the point of beginning.

1 **Sec. 9. 12 MRSA §6601, sub-§3**, as amended by PL 2005, c. 434, §4, is further
2 amended to read:

3 **3. Eligibility.** A commercial shellfish license may be issued only to an individual
4 who is a resident, except that a nonresident who is the holder of a lease issued under
5 section 6072, 6072-A or 6072-B or a license issued under section 6072-C may be issued a
6 commercial shellfish license that authorizes the individual to engage in the licensed
7 activities under subsection 2-A for cultured shellfish the individual has removed from the
8 leased area or the licensed gear.

9 **Sec. 10. 12 MRSA §6851-A**, as amended by PL 2009, c. 213, Pt. G, §37, is
10 repealed.

11 **Sec. 11. 12 MRSA §6856, sub-§1**, as amended by PL 2005, c. 508, §2, is further
12 amended to read:

13 **1. Shellfish sanitation certificate.** A person may not undertake the processing,
14 buying, selling, shipping, transporting or shucking of shellfish or whole scallops without
15 a shellfish sanitation certificate unless authorized under section 6701 or 6702. The
16 commissioner may issue a shellfish sanitation certificate to a wholesale seafood license
17 holder, ~~a limited wholesale shellfish harvester's license holder~~ or a shellfish transportation
18 license holder that authorizes the holder to undertake the activities expressly authorized
19 therein, which may include buying and selling, shipping, transporting, shucking or other
20 processing of shellfish or whole scallops. A wholesale seafood license, ~~limited wholesale~~
21 ~~shellfish harvester's license~~ or shellfish transportation license is also necessary to
22 undertake the activities authorized under those licenses.

23 **Sec. 12. 12 MRSA §6856, sub-§3-D, ¶A**, as enacted by PL 2011, c. 175, §5, is
24 amended to read:

25 A. Using the following general guidelines to identify whether pollution abatement
26 activities are likely to succeed in a shellfish growing area, the commissioner may
27 close a shellfish growing area pursuant to section 6172 for municipal pollution
28 abatement activities.

29 (1) Pollution abatement activities are likely to succeed in shellfish growing areas
30 affected by identified failing residential septic systems and other identified
31 localized sources of human or animal fecal contamination when funding for
32 abatement is available.

33 (2) Pollution abatement activities are not likely to succeed in shellfish growing
34 areas affected by wastewater treatment plant outfall or other point sources of
35 treated or partially treated sewage unless complete removal of pollution sources
36 has been achieved.

37 (3) Abatement activities are not likely to succeed in shellfish growing areas
38 affected by chronic nonpoint source contamination from rivers or streams.

39 At the request of the municipality, the commissioner may allow soft-shelled clam
40 depuration harvesting in a shellfish growing area closed under this paragraph.

1 **SUMMARY**

2 This bill makes several technical and clarifying changes to Maine's marine resources
3 laws. The bill:

4 1. Eliminates the requirement to record a research or aquaculture lease in the county
5 registry of deeds;

6 2. Clarifies that a student lobster and crab fishing license holder may designate up to
7 3 sponsors;

8 3. Deletes the Kittery lobster trawl limit from statute. All other trawl limits are in
9 department rule;

10 4. Clarifies that a student lobster and crab fishing license holder must declare a
11 lobster management zone and may not fish a majority of the license holder's gear outside
12 the declared zone;

13 5. Provides that the coordinates for the Swans Island Lobster Conservation Area are
14 presented in latitude and longitude format and not Loran format;

15 6. Allows nonresidents who hold aquaculture leases or limited-purpose aquaculture
16 licenses to be issued commercial shellfish licenses. Current law restricts commercial
17 shellfish licenses to Maine residents;

18 7. Eliminates the limited wholesale shellfish harvester's license; and

19 8. Clarifies the method for closing a municipal flat to depuration harvesting when the
20 municipality is conducting pollution abatement activities.