

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1227

H.P. 845

House of Representatives, April 7, 2015

An Act To Provide for Improved Reporting of Marine Resources Landings

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 that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KRUGER of Thomaston.
Cosponsored by Senator BAKER of Sagadahoc and
Representative: SAWICKI of Auburn, Senator: MIRAMANT of Knox.

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

2 **Sec. 1. 12 MRSA §6173, sub-§§3 and 4** are enacted to read:

3 **3. Equipment required.** The commissioner may require a person licensed under
4 chapter 625 to purchase specific equipment that is necessary to comply with rules
5 regarding electronic reporting adopted pursuant to this section as a condition of engaging
6 in the licensed activities.

7 **4. Reimbursement for equipment provided.** If the holder of a license issued under
8 chapter 625 fails to pay a fee or charge for equipment that is necessary to comply with
9 rules regarding electronic reporting adopted pursuant to this section and that was
10 provided by the department and either not returned to the department by the license
11 holder or returned in poor condition, the commissioner may refuse to renew or issue any
12 marine resources license or permit to that license holder.

13 **Sec. 2. 12 MRSA §6535, sub-§2,** as amended by PL 2013, c. 492, §6, is further
14 amended to read:

15 **2. Licensed activity.** A person licensed under this section may tend divers who
16 harvest sea urchins and scallops by hand and operate a boat as a platform for the
17 harvesting of sea urchins and scallops by hand ~~and may possess, ship, transport and sell~~
18 ~~sea urchins and scallops harvested by licensed harvesters subject to the requirements of~~
19 ~~paragraph A.~~ A sea urchin and scallop diving tender license does not authorize the holder
20 to harvest sea urchins and scallops. As used in this subsection, "tend" means to assist the
21 diver in any way, to operate a boat as a platform for harvesting or to cull or otherwise
22 handle the harvested product.

23 ~~A. A diving tender licensed under this section may not sell sea urchins or scallops~~
24 ~~unless the person:~~

25 (1) ~~Sells sea urchins to a purchaser who holds a valid wholesale seafood license~~
26 ~~with a sea urchin buyer's permit or a valid wholesale seafood license with a sea~~
27 ~~urchin processor's permit or a valid retail seafood license or sells scallops to a~~
28 ~~purchaser who holds a valid wholesale seafood license or a valid retail seafood~~
29 ~~license; and~~

30 (2) ~~Provides to the purchaser the name and license number of the license holder~~
31 ~~with whom the person was engaged when the sea urchins or scallops were~~
32 ~~harvested.~~

33 ~~B. A holder of a wholesale seafood license, a wholesale seafood license with a sea~~
34 ~~urchin buyer's permit or a wholesale seafood license with a sea urchin processor's~~
35 ~~permit or a retail seafood license who purchases scallops or sea urchins from a diving~~
36 ~~tender licensed under this section may not purchase the sea urchins or scallops except~~
37 ~~by check or cashier's check unless there is a written receipt associated with the~~
38 ~~transaction, and the holder of a wholesale seafood license, a wholesale seafood~~
39 ~~license with a sea urchin buyer's permit or a wholesale seafood license with a sea~~
40 ~~urchin processor's permit or a retail seafood license who purchases scallops or sea~~

1 ~~urchins from a licensed diving tender shall report the information provided by the~~
2 ~~person under paragraph A, subparagraph (2) in accordance with section 6173.~~

3 As long as one person present on a boat engaged as a platform for the harvesting of sea
4 urchins and scallops by hand has met the tender safety requirements adopted by rule
5 pursuant to section 6533, all other persons present on the boat may operate the boat or
6 engage in culling activities or otherwise handle the harvested product. An individual who
7 engages in harvesting activities in accordance with a license issued under section 6701 or
8 6748 may not be considered as the person who has met the tender safety requirements
9 adopted by rule pursuant to section 6533.

10 **Sec. 3. 12 MRSA §6701, sub-§2**, as repealed and replaced by PL 2009, c. 561,
11 §22, is amended to read:

12 **2. Licensed activity.** The holder of a hand fishing scallop license may take scallops
13 by hand or possess, ship, transport or sell shucked scallops the holder has taken. ~~An~~
14 ~~unlicensed person acting as a tender for an individual licensed under subsection 5,~~
15 ~~paragraph B, in accordance with subsection 4, may possess, ship, transport and sell~~
16 ~~shucked scallops the hand fishing scallop license holder has taken.~~ A person may not act
17 as a tender under subsection 5, paragraph B unless that person has met the tender safety
18 requirements adopted by rule pursuant to section 6533.

19 **Sec. 4. 12 MRSA §6748, sub-§2**, as corrected by RR 2013, c. 1, §23, is amended
20 to read:

21 **2. Licensed activity.** The holder of a handfishing sea urchin license may take sea
22 urchins by hand or possess, ship, transport or sell sea urchins. ~~An unlicensed person~~
23 ~~acting as a tender for an individual licensed under subsection 4, paragraph B, in~~
24 ~~accordance with subsection 1 A, may possess, ship, transport and sell sea urchins the~~
25 ~~handfishing sea urchin license holder has taken subject to the requirements of paragraph~~
26 ~~A.~~

27 ~~A. An unlicensed person acting as a tender may not sell sea urchins unless the~~
28 ~~person:~~

29 ~~(1) Sells sea urchins to a purchaser who holds a valid wholesale seafood license~~
30 ~~with a sea urchin buyer's permit or a valid wholesale seafood license with a sea~~
31 ~~urchin processor's permit or a valid retail seafood license; and~~

32 ~~(2) Provides to the purchaser the name and license number of the license holder~~
33 ~~with whom the person was engaged when the sea urchins were harvested.~~

34 ~~B. A holder of a wholesale seafood license with a sea urchin buyer's permit or a~~
35 ~~wholesale seafood license with a sea urchin processor's permit or a retail seafood~~
36 ~~license who purchases sea urchins from an unlicensed person acting as a tender must~~
37 ~~purchase the sea urchins by check or cashier's check unless there is a written receipt~~
38 ~~associated with the transaction, and the holder of a wholesale seafood license with a~~
39 ~~sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's~~
40 ~~permit or a retail seafood license who purchases sea urchins from an unlicensed~~
41 ~~person acting as a tender shall report the information provided by the person under~~
42 ~~paragraph A, subparagraph (2) in accordance with section 6173.~~

1 A person may not act as a tender under subsection 4, paragraph B unless that person has
2 met the tender safety requirements adopted by rule pursuant to section 6533.

3 **Sec. 5. 12 MRSA §6851, sub-§2, ¶A**, as amended by PL 2011, c. 598, §41, is
4 further amended to read:

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

8 **Sec. 6. 12 MRSA §6851, sub-§2-E** is enacted to read:

9 **2-E. Wholesale seafood license with a scallop permit.** At the request of the
10 applicant, the commissioner shall issue a wholesale seafood license with a scallop permit.
11 A person holding a wholesale seafood license with a scallop permit may engage in all of
12 the activities in subsection 2, may buy scallops from harvesters and may sell, process,
13 ship or transport scallops.

14 SUMMARY

15 This bill changes the marine resources licensing laws to facilitate the expansion of the
16 use of the transaction card system for electronic dealer reporting that was successfully
17 implemented in Maine's elver fishery in 2014. Specifically, it provides that an individual
18 who holds a dealer's license may be required to obtain equipment specified by the
19 Department of Marine Resources in order to engage in licensed activities. Additionally,
20 it specifies that in the sea urchin and scallop fisheries the license holder must be the
21 individual who sells the harvested product. This change is necessary because only the
22 license holder will be issued a transaction card.

23 It also prohibits a holder of a wholesale seafood license from dealing in scallops
24 without the holder's obtaining from the Commissioner of Marine Resources a scallop
25 permit, which permits the holder to buy scallops from harvesters and to sell, process, ship
26 or transport scallops.