

MAINE STATE LEGISLATURE

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Date: 5/31/17

(Filing No. H-347)

MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 843, L.D. 1207, Bill, "An Act To Make Technical Changes to Maine's Marine Resources Laws"

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, under current law the allowable bait for fishing for lobsters is unclear, restrictions on holders of marine harvesting demonstration licenses are preventing activity during the busiest summer months and the State's ability to track sales of marine organisms is hindered; and

Whereas, the State's marine industries provide significant economic benefit; and

Whereas, providing clarity, expanding economic opportunities and allowing effective management of the State's marine industries are necessary before the summer season begins; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out all of section 1.

Amend the bill in section 2 in subsection 1 in the last 2 lines (page 1, lines 14 and 15 in L.D.) by striking out the following: ", but does not include animal hide from which the hair has been removed." and inserting the following: '~~but~~ "Offal" does not include animal hide from which the hair has been removed or fat attached to an animal hide from which the hair has been removed as long as the total thickness of fat and animal hide does not exceed 1 1/4 inches.'

Amend the bill by striking out all of section 3 and inserting the following:

COMMITTEE AMENDMENT

1 **Sec. 3. 12 MRSA §6810-A, sub-§1-A** is enacted to read:

2 **1-A. Eligibility.** A marine harvesting demonstration license may be issued only to
3 an individual, except that a person who holds a Class I, Class II or Class III lobster and
4 crab fishing license or a noncommercial lobster and crab fishing license may not be
5 issued a marine harvesting demonstration license.'

6 Amend the bill by adding after section 4 the following:

7 **Sec. 5. 12 MRSA §6810-A, sub-§11**, as enacted by PL 2003, c. 169, §1 and
8 affected by §3, is amended to read:

9 **11. Penalties.** A person who violates this section commits a civil violation for which
10 a fine of not less than \$100 nor more than \$1,000 may be adjudged. Notwithstanding
11 section 6401, subsection 2, the commissioner may permanently revoke the marine
12 harvesting demonstration license of a person who sells, retains, ships or transports any
13 portion of the catch or does not release all organisms alive into the area from which the
14 organisms were harvested pursuant to subsection 3.

15 **Sec. 6. 12 MRSA §6852, sub-§2**, as amended by PL 2013, c. 468, §34 and
16 affected by §46, is further amended to read:

17 **2. License activity.** The Except as provided in subsection 2-B, the holder of a retail
18 seafood license may, in the retail trade, buy, sell, transport, ship or serve:

19 A. Shellstock, which must be purchased from a wholesale seafood license holder
20 certified under section 6856;

21 D. Crayfish;

22 F. Lobsters; and

23 G. Any marine organism that is purchased directly from a harvester licensed under
24 this Part.

25 A holder of a retail seafood license when buying directly from a harvester may buy only
26 from a harvester who possesses the license or permit for that species as required under
27 this Part. The harvester shall make the applicable marine resources license or permit
28 available for inspection upon the retail seafood license holder's request.

29 **Sec. 7. 12 MRSA §6852, sub-§2-B** is enacted to read:

30 **2-B. Endorsements.** The holder of a retail seafood license buying directly from a
31 harvester must obtain an endorsement from the department for the species being bought if
32 the license to harvest that species requires the harvester to comply with an electronic
33 reporting requirement. The department shall provide endorsements to license holders at
34 no cost in accordance with rules adopted under subsection 6.

35 **Sec. 8. 12 MRSA §6852, sub-§6, ¶¶E and F**, as enacted by PL 2005, c. 434,
36 §12, are amended to read:

37 E. The labeling or marking of shipments of shellfish and wholesale scallops; and

38 F. The protection of public health; and

39 **Sec. 9. 12 MRSA §6852, sub-§6, ¶G** is enacted to read:

1 G. Endorsements under subsection 2-B.

2 **Emergency clause.** In view of the emergency cited in the preamble, this
3 legislation takes effect when approved.'

4 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
5 section number to read consecutively.

6 **SUMMARY**

7 This amendment retains the provisions of the bill that prohibit the sale of offal for use
8 as bait to fish for or take lobsters or crabs and that exempt the holder of a marine
9 harvesting demonstration license from the prohibition on hauling on Sundays in the
10 summer.

11 The amendment removes the provision of the bill that specifies that license
12 revocation for a conviction of scrubbing egged lobsters may be permanent.

13 The amendment removes the provision of the bill limiting the commercial pelagic
14 and anadromous fishing license to residents unless a nonresident's state allows residents
15 of Maine to fish for those species in that state.

16 The amendment provides that the definition of "offal" does not include fat attached to
17 an animal hide from which the hair has been removed as long as the total thickness of fat
18 and animal hide does not exceed 1 1/4 inches. The amendment provides that a holder of a
19 Class I, Class II or Class III lobster and crab fishing license or noncommercial lobster and
20 crab fishing license is not eligible to obtain a marine harvesting demonstration license
21 and that the Commissioner of Marine Resources may permanently revoke the marine
22 harvesting demonstration license of a person who sells, retains, ships or transports any
23 portion of the catch or does not release all organisms alive into the area from which the
24 organisms were harvested under that license. The amendment requires the holder of a
25 retail seafood license buying directly from a harvester a species for which an electronic
26 reporting requirement is in place to obtain an endorsement for that species from the
27 Department of Marine Resources at no cost.

FISCAL NOTE REQUIRED
(See attached)



128th MAINE LEGISLATURE

LD 1207

LR 743(02)

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

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Marine Resources

Fiscal Note Required: Yes

A (H-347)

Fiscal Note

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

Fiscal Detail and Notes

Any additional costs to the Department of Marine Resources (DMR) from modifications to the definition of offal, marine demonstration license eligibility requirements and seafood license endorsement requirements are anticipated to be minor and can be absorbed within existing budgeted resources. Provisions allowing DMR to permanently revoke the marine demonstration license of a person who does not release or return organisms harvested for demonstration purposes may result in a minor loss of General Fund revenue.