

MAINE STATE LEGISLATURE

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SAC
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L.D. 263

Date: 5/25/21

(Filing No. H-239)

MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 184, L.D. 263, "An Act To Make Technical Changes to Maine's Marine Resources Laws"

Amend the bill by inserting before section 1 the following:

Sec. 1. 12 MRSA §6072-A, sub-§8, as amended by PL 2021, c. 52, §12, is further amended to read:

8. Rules; general and lease application. The commissioner may adopt rules to implement the provisions of this section. Within 180 days of the effective date of this section, the commissioner shall adopt rules regarding a limited-purpose lease application. The rules must require an applicant to, at a minimum, meet the requirements of section 6072, subsection 2, paragraph E and section 6072, subsection 4, paragraphs A, B, C, E, F, G and J. The rules must also require an applicant to provide to the department proof of access to the lease area. If access will be across riparian land, the applicant shall provide to the department the written permission of every riparian owner whose land will be used to access the lease area. The commissioner may adopt rules to add or delete authorization for the holder of an aquaculture lease that is held only for scientific research purposes to grow specific species and to use specific gear on the lease site. A change in authorization is not an adjudicatory proceeding. The rules must provide for notice of proposed changes in gear authorization to the public, riparian landowners and the municipality in which the lease is located and an opportunity to submit written comments on the proposal. Authorization to add species or gear must be consistent with the findings made under subsection 13 when the lease was approved.

Sec. 2. 12 MRSA §6073-C, as amended by PL 2017, c. 296, §2 and affected by §10, is further amended to read:

§6073-C. Harvester license exemption; scallop aquaculture

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C is exempt from any requirement under sections 6701, 6702 and 6703 to hold a separate license for the removal, possession or transport of scallops from the leased area or the licensed gear when the final product form is the adductor muscle only,

COMMITTEE AMENDMENT

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except that, beginning May 1, 2018, a person may not sell organisms cultured on the lease site or under the limited-purpose aquaculture license without a license issued under section 6810-B. ~~This exemption does not apply to scallops in any other form.~~

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

'Sec. 3. 12 MRSA §6431-B, sub-§2, as enacted by PL 2017, c. 197, §9, is amended to read:

2. Penalties. A person may not fish or have on board a vessel a lobster trap unless the lobster trap is tagged in accordance with rules adopted pursuant to subsection 1. A person who violates ~~a rule adopted pursuant to subsection 1~~ this subsection commits:

A. A civil violation for which a fine of \$250 must be adjudged if the person fishes 25 or fewer traps that are not tagged in accordance with rules adopted pursuant to subsection 1; and

B. A Class D crime if the person fishes more than 25 traps that are not tagged in accordance with rules adopted pursuant to subsection 1.'

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

SUMMARY

This amendment adds language permitting the Commissioner of Marine Resources to adopt rules to add or delete authorization for the holder of an aquaculture lease held only for scientific research purposes. The amendment expands the exemption from requirements to hold a separate license to remove, possess or transport scallops to all scallops and not just when the final product form is the adductor muscle only. This amendment adds into statute a penalty for lobster traps not tagged in accordance with rules adopted by the Department of Marine Resources.

FISCAL NOTE REQUIRED

(See attached)



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LD 263

LR 93(02)

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

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-239)
Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Marine Resources as a result of technical and grammatical updates to the laws regarding shellfish sanitation certificates, lobster trap tags, aquaculture licenses and penalties for violations are anticipated to be minor and can be absorbed within existing budgeted resources.