

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

CHAPTER 565

AN ACT Relating to Commercial Fishing and the Increase of Certain License Fees Issued by the Department of Marine Resources.

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

Sec. 1. 12 MRSA § 3801 is repealed and the following enacted in place thereof:

§ 3801. Commercial licenses; residents

It is unlawful for any resident of the State of Maine to engage in commercial fishing, unless he has a current written license from the commissioner as provided in this section, except that any person may fish for or take finfish by use of spear gun, dip net, handline or rod and reel for consumption by himself or by members of his family without having a license as provided in this section.

1. License designation; residence requirements. The license designated as a resident commercial fishing license may be issued by the commissioner to any person who has been a legal resident of the State of Maine for 6 months next prior to the date of his application.

2. General scope of license. The licensee is entitled to fish for, take and sell all species of fish when and where it is otherwise lawful to take them, except shellfish, lobsters, crabs or scallops.

3. License fees; restrictions. A resident may obtain a resident commercial fishing license to engage in commercial fishing.

A. The license fee is \$10 for a single operator.

(1) All licenses issued under this paragraph are restricted to no crew other than a single operator.

B. If he desires the license to cover one or more crew members, other than a single operator, the fee is \$25.

4. Equipment and restrictions to be stated in license. The commissioner shall set forth in the license the equipment covered by the license and the crew member restrictions.

5. Persons assisting are crew members; special penalty. Any person assisting or helping in attending fishing gear or operating the boat is considered a member of the crew.

A. If a licensee has more crew members than is stated in the license, the operator of the boat, weir or fish trap shall be punished by a fine of \$25 for each such unauthorized person, or by imprisonment for not more than 30 days.

6. General licensing provisions apply. Section 3751 applies to resident commercial fishing licenses.

Sec. 2. 12 MRSA § 3802, 1st ¶ is amended to read:

It is unlawful for a nonresident of the State of Maine to ~~use or operate in the coastal waters of the State, any weir, floating fish trap or boat engaged~~ engage in ~~seining, dragging or netting~~ commercial fishing, unless he has a current written license from the commissioner as provided in this section, except that any person may fish for or take finfish by use of spear gun, dip net, handline or rod and reel for consumption by himself or by members of his family without having a license as provided in this section.

Sec. 3. 12 MRSA § 3802, sub-§ 2 is amended to read:

2. **General scope of license.** The licensee is entitled to fish for, take and sell all species of fish ~~from the tidal waters of the State~~ when and where it is otherwise lawful to take them, except shellfish, lobsters, crab or scallops.

Sec. 4. 12 MRSA § 3802, sub-§ 3, 1st ¶ is amended to read:

A person who is not a resident of this State may obtain a nonresident commercial fishing license to ~~operate any number or any combination of the following: A boat engaged in seining, netting or dragging, a weir or a floating fish trap~~ to engage in commercial fishing.

Sec. 5. 12 MRSA § 3802, sub-§ 3, ¶ A is repealed and the following enacted in place thereof:

A. The license fee is \$200.

Sec. 6. 12 MRSA § 3802, sub-§ 3, ¶ B is repealed and the following enacted in place thereof:

B. The fee covers the operator and all crew members.

Sec. 6-A. 12 MRSA § 3802, sub-§ 4 is amended to read:

4. **Equipment.** The commissioner shall set forth in the license the equipment licensed ~~and the restrictions as to crew members.~~

Sec. 7. 12 MRSA § 3802, sub-§ 5 is repealed.

Sec. 8. 12 MRSA § 4001, sub-§ 4, ¶ A is repealed and the following enacted in place thereof:

A. The fee is \$25 for each license.

Sec. 9. 12 MRSA § 4051, sub-§ 1, ¶ A, is amended to read:

A. The license fee for a resident sea moss license is ~~\$5~~ \$10 which must accompany the application to the commissioner.

Sec. 10. 12 MRSA § 4051, sub-§ 2, ¶ A, is amended to read:

A. The license fee for a nonresident sea moss license is ~~\$15~~ \$25 which must accompany the application.

Sec. 11. 12 MRSA § 4301, sub-§ 3 is repealed as follows:

~~3. Exception for bait purposes. The holder of a commercial fishing license or a lobster and crab fishing license may take any species of shellfish for bait purposes only, without having the license provided in this section~~

Sec. 12. 12 MRSA § 4301, sub-§ 5, ¶ A is amended to read:

A. The fee for the license is ~~\$5~~ \$10 which the applicant shall submit with his application.

Sec. 13. 12 MRSA § 4301, sub-§ 6, ¶ A is repealed as follows:

~~A. This subsection does not apply to the possession of shellfish for bait purposes as provided in subsection 3~~

Sec. 14. 12 MRSA § 4302, sub-§ 6, first ¶, is amended to read:

The fee for a wholesale seafood dealer's and processor's license is ~~\$35~~ \$50.

Sec. 15. 12 MRSA § 4303, sub-§ 3, ¶ A, is amended to read:

A. The license fee is ~~\$2~~ \$10 for each license which the applicant shall submit with his application.

Sec. 16. 12 MRSA § 4306, sub-§ 2, is amended to read:

2. License fees. The fee for the license is ~~\$35~~ \$50 which covers one boat, one truck, one automobile, one airplane or one other type of vehicle. There is an extra fee of \$10 for each vehicle beyond the first to be used as a means of transportation for the shellfish.

Sec. 17. 12 MRSA § 4402, sub-§ 1, is amended to read:

1. Dealer may obtain permit; fee. Any person, firm or corporation licensed as a dealer under sections 4302 or 4303 may be granted a permit to remove lobster meat from the shell upon written application to the commissioner and the payment of a fee of ~~\$10~~ \$25.

Sec. 18. 12 MRSA § 4403, sub-§ 3, first ¶, is amended to read:

The license fee is \$50 plus ~~\$5~~ \$10 for each boat, truck, automobile, airplane, or other vehicle, beyond the first, to be used by the licensee in the transportation.

Sec. 19. 12 MRSA § 4403, sub-§ 3, ¶ A, is amended to read:

A. The license fee is only \$25 plus ~~\$5~~ \$10 for each vehicle, beyond the first, for the holder of a current wholesale seafood dealer's and processor's license.

Sec. 20. 12 MRSA § 4404, sub-§ 5 is amended to read:

5. License fee. The fee for a lobster and crab fishing license is ~~\$10~~ \$20 which the applicant shall enclose with his application. The fee for a lobster and crab fishing license issued to any person who qualifies for that license and who is under the age of 17 years at the time of issuance of that license shall be \$10.

Sec. 21. Appropriation. There is appropriated from the General Fund the sum of \$368,200 to carry out the purposes of this Act. The breakdown shall be as follows:

		1975-76		1976-77
MARINE RESOURCES, DEPARTMENT OF				
Administration, Marketing, Research and Extension				
Personal Services	(2)		(2)	
1 Marine Research Specialist in shellfish		\$ 9,300		\$ 9,550
1 Extension agent specializing in gear and equipment		12,000		11,800
All Other		41,000		41,000
Capital Expenditures		5,000		8,000
		<hr/>		<hr/>
		\$67,300		\$70,350
Enforcement Division				
Personal Services	(6)	61,455	(6)	63,000
All Other		23,000		23,000
Capital Expenditures		13,000		8,850
		<hr/>		<hr/>
		\$97,455		\$94,850
ATTORNEY GENERAL, OFFICE OF THE				
Personal Services	(1)	14,500	(1)	15,200
All Other		4,000		3,300
Capital Expenditures		745		500
		<hr/>		<hr/>
		\$19,245		\$19,000