

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

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

Sec. 1. 7 MRSA §435, sub-§2, ¶¶A and B, as enacted by PL 1995, c. 658, §1, are amended to read:

A. An agricultural marketing loan for any project under this subchapter, the total cost of which exceeds ~~\$50,000~~ \$100,000, may not exceed ~~45%~~ 75% of the project cost. A loan from the fund may not be provided for such a project unless the applicant demonstrates a commitment of private funds of at least ~~10%~~ 5% of the total cost of the project; except that, in order to encourage the undertaking of cooperative projects by 2 or more agricultural enterprises, an agricultural marketing loan may not be provided unless the cooperating agricultural enterprises as a group demonstrate a commitment of private funds of at least 5% of the total cost of the project.

B. An agricultural marketing loan for any project under this subchapter, the total cost of which is ~~\$50,000~~ \$100,000 or less, may not exceed ~~55%~~ 90% of the total cost of the project.

Sec. 2. 7 MRSA §435, sub-§2, ¶I is enacted to read:

I. The commissioner shall make available a minimum of \$1,000,000 from the Agricultural Marketing Loan Fund for the purpose of providing loans to agricultural enterprises that are engaged primarily in direct marketing as defined in section 434, subsection 2. Eligibility criteria for an agricultural marketing loan under this paragraph must allow agricultural enterprises that are engaged primarily in direct marketing to apply for loans for traditional equipment and other capital expenses as provided in Title 10, section 1023-J. Notwithstanding paragraphs A and B, an agricultural loan for a project under this paragraph may not exceed \$100,000. This paragraph is repealed December 31, 2004.

Sec. 3. 7 MRSA §435, sub-§4, as enacted by PL 1995, c. 658, §1, is amended to read:

4. Administrative costs. The commissioner may establish, by rule, a fee for administrative costs on loans in excess of ~~\$50,000~~ \$100,000. This fee may not exceed 1% of the loan. The commissioner may contract with the Finance Authority of Maine to assist in the administration of this subchapter.

See title page for effective date.

CHAPTER 169

S.P. 459 - L.D. 1389

An Act To Create a Marine Harvesting Demonstration License

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

Sec. 1. 12 MRSA §6810-A is enacted to read:

§6810-A. Marine harvesting demonstration license

1. License required. Notwithstanding section 6074, an individual may not engage in an activity authorized under this section without a valid marine harvesting demonstration license.

2. Licensed activities. An individual who holds a marine harvesting demonstration license may engage in limited fishing activities for the purpose of providing an educational demonstration of marine harvesting techniques or of the marine ecology of the Gulf of Maine as part of a commercial operation. An individual may not handle a lobster trap, warp or buoy used for the purposes of this section unless that individual meets the requirements of subsection 7.

Subject to the requirements of subsection 3, an individual who holds a Class I, Class II or Class III lobster and crab fishing license may assist a person who holds a marine harvesting demonstration license on that person's boat in the demonstration of lobster and crab fishing without obtaining a marine harvesting demonstration license.

3. License limitations. An individual who holds a marine harvesting demonstration license may not sell, retain, ship or transport any portion of the catch and shall release all organisms alive into the area from which the organisms were harvested. A vessel identified under subsection 6 may not be used for the commercial harvest of marine organisms unless otherwise provided by the department.

4. Gear limitations and requirements. The commissioner shall specify the type and amount of gear that may be used under a marine harvesting demonstration license.

A. The number of lobster traps fished from a vessel may not exceed 20 traps, regardless of the number of marine harvesting demonstration license holders fishing from that vessel.

B. The commissioner shall establish a lobster trap tag system under which a marine harvesting demonstration license holder must purchase a tag for the purpose of identifying and tracking traps. The commissioner may impose a per-tag fee to

cover the cost of the trap tags and the costs of administering and enforcing the lobster trap tag system. Trap tag fees must be deposited in the Lobster Management Fund established under section 6431-C.

5. Boat declaration. The marine harvesting demonstration license holder shall declare the name of the vessel to be used for fishing under the license at the time of application for the license and may not change that vessel during the license year unless otherwise authorized by the department.

An individual who holds a marine harvesting demonstration license may assist another person who holds a marine harvesting demonstration license on that person's vessel without declaring the name of that vessel. The individual who assists another license holder must have written permission from that license holder before handling that person's demonstration lobster traps, warps or buoys.

6. Demonstration vessel identification. A vessel may not be used for the purposes of this section unless that vessel is clearly identified as provided by the commissioner under this subsection. The commissioner shall establish the type and specifications of vessel identification to be used for purposes of this section. The commissioner may impose an administrative fee to cover costs associated with implementing this subsection.

7. Additional requirements for lobster and crab harvesting demonstrations. A person may not demonstrate lobster or crab harvesting methods under this section unless that person holds a marine harvesting demonstration license and:

A. Has successfully completed a lobster and crab fishing written examination as provided in section 6423; or

B. Held a Class I, Class II or Class III lobster and crab fishing license and has landed lobster under that license.

An individual who successfully completes the examination under paragraph A is not required to repeat that examination to renew a marine harvesting demonstration license.

8. Fee. The fee for a marine harvesting demonstration license is \$25.

9. Rules. The commissioner may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

10. Application of laws. Except as provided in this section, licenses issued under this section are subject to applicable laws under this Part.

11. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$1,000 may be adjudged.

Sec. 2. Report on marine harvesting demonstration licenses. The Commissioner of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the implementation and effectiveness of marine harvesting demonstration licenses issued under the Maine Revised Statutes, Title 12, section 6810-A no later than January 1, 2006.

Sec. 3. Effective date. This Act takes effect January 1, 2004.

Effective January 1, 2004.

CHAPTER 170

S.P. 457 - L.D. 1387

An Act Concerning the Renewal of Commercial Harvester and Dealer Licenses

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

Sec. 1. 12 MRSA §6173, as amended by PL 1985, c. 268, §2, is repealed and the following enacted in its place:

§6173. Confidentiality of statistics

1. Collection and reporting of statistics. The commissioner may, with the advice and consent of the advisory council, adopt rules to collect pertinent data with respect to the fisheries, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight, areas in which fishing was conducted, time of fishing, number of hauls and the estimated processing capacity of, and the actual processing capacity utilized by United States fish processors. The commissioner may collect statistics from any source and may require reporting of these statistics. The information collected by or reported to the commissioner is confidential and may not be disclosed in a manner or form that permits identification of any person or vessel, except when required by court order or when specifically permitted under this section. The commissioner may share data collected under this section with the National Marine Fisheries Service or successor organization for research or fisheries management purposes, provided that federal laws and