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No. 1552

H.P. 1127

House of Representatives, April 11, 2019

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

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 "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ALLEY of Beals.

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§57-C**, as reenacted by PL 2011, c. 598, §1, is
3 amended to read:

4 **57-C.**

5 Marine Resources Aquaculture ~~Not Authorized~~ 12 MRSA §6080
6 Advisory Council Expenses Only

7 **Sec. 2. 12 MRSA §6001, sub-§13-I**, as enacted by PL 2005, c. 26, §1, is
8 amended to read:

9 **13-I. Established base of operations.** "Established base of operations" means the
10 location where a vessel has its primary relationship. Among the factors identifying a
11 primary relationship are the locations at which the vessel is primarily moored or docked,
12 where it prepares for expeditions and hires a crew and to which it regularly returns for
13 repairs, supplies and activities relating to its business or trade. The fact that a vessel
14 carries on one or more of these activities at more than one location within this State or at
15 a location or locations outside this State does not prevent the vessel from being
16 considered to have an established base of operations within the State if a substantial
17 portion of these activities are carried on at a location or locations within this State. For
18 purposes of this subsection, "substantial portion" means a period exceeding ~~60~~ 30 days in
19 any calendar year.

20 **Sec. 3. 12 MRSA §6024, sub-§1-A**, as amended by PL 2009, c. 369, Pt. A, §23,
21 is further amended to read:

22 **1-A. Appointment; composition; term; compensation.** The Marine Resources
23 Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of ~~16~~
24 15 members. The chair of the Lobster Advisory Council, ~~the chair of the Sea Run~~
25 ~~Fisheries and Habitat Advisory Council~~, the chair of the Sea Urchin Zone Council and the
26 chair of the Shellfish Advisory Council are ex officio members of the council. Each other
27 member is appointed by the Governor and is subject to review by the joint standing
28 committee of the Legislature having jurisdiction over marine resources matters and to
29 confirmation by the Legislature. Five members must be persons who are licensed under
30 this Part to engage in commercial harvesting activities. Those 5 members are selected by
31 the Governor from names recommended to the Governor by groups representing
32 commercial harvesting interests. Each member must represent a different commercial
33 harvesting activity, except that none of those 5 members may represent lobster harvesters.
34 The remaining 7 members must include one public member, 4 persons who hold a
35 nonharvesting-related license under this Part, one person representing recreational
36 saltwater anglers and one person representing the aquaculture industry. The Governor
37 shall select the person to represent the aquaculture industry from among the names
38 recommended by the aquaculture industry. The composition of the council must reflect a
39 geographical distribution along the coast. All appointed members are appointed for a term
40 of 3 years, except a vacancy must be filled in the same manner as an original member for
41 the unexpired portion of the term. An appointed member may not serve for more than 2

1 consecutive terms. Appointed members serve until their successors are appointed. The
2 chair of the Lobster Advisory Council, ~~the chair of the Sea Run Fisheries and Habitat~~
3 ~~Advisory Council~~, the chair of the Sea Urchin Zone Council and the chair of the Shellfish
4 Advisory Council shall serve until a new chair of the Lobster Advisory Council, ~~a new~~
5 ~~chair of the Sea Run Fisheries and Habitat Advisory Council~~, a new chair of the Sea
6 Urchin Zone Council or a new chair of the Shellfish Advisory Council, respectively, is
7 chosen. Members are compensated as provided in Title 5, chapter 379.

8 **Sec. 4. 12 MRSA §6139**, as enacted by PL 2007, c. 240, Pt. QQ, §6, is repealed.

9 **Sec. 5. 12 MRSA §6140-A, first ¶**, as enacted by PL 2007, c. 240, Pt. QQ, §8, is
10 amended to read:

11 Unless more restrictive rules are adopted by the ~~commission~~ department, the
12 following restrictions apply to methods of fishing and the season for Atlantic salmon.

13 **Sec. 6. 12 MRSA §6140-A, sub-§4**, as enacted by PL 2007, c. 240, Pt. QQ, §8, is
14 amended to read:

15 **4. Open season.** The ~~commission, after consultation with and advice from the Sea~~
16 ~~Run Fisheries and Habitat Advisory Council~~, department may establish by rule an open
17 season during which a person may fish for Atlantic salmon. Rules adopted pursuant to
18 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
19 2-A.

20 **Sec. 7. 12 MRSA §6421, sub-§5-D, ¶B**, as amended by PL 2011, c. 266, Pt. A,
21 §5, is further amended to read:

22 B. Possesses a valid federal lobster permit or a valid lobster fishing license from a
23 state other than this State; ~~and~~

24 **Sec. 8. 12 MRSA §6421, sub-§5-D, ¶C**, as amended by PL 2011, c. 266, Pt. A,
25 §6, is further amended to read:

26 C. Except as authorized under subsection 5-E, does not operate a lobster and crab
27 fishing vessel with an established base of operations in this State; and

28 **Sec. 9. 12 MRSA §6421, sub-§5-D, ¶E** is enacted to read:

29 E. Has not had that individual's lobster fishing license or right to obtain a lobster
30 fishing license suspended in this State or in another state.

31 SUMMARY

32 This bill:

33 1. Provides that members of the Aquaculture Advisory Council are eligible for
34 reimbursement for travel expenses;

1 2. Changes from 60 to 30 the number of days in a calendar year that constitute a
2 substantial portion of a vessel's business or trade activities for the purposes of
3 establishing the vessel's base of operations under the commercial fishing laws;

4 3. Eliminates the Sea Run Fisheries and Habitat Advisory Council, changes the
5 number of members of the Marine Resources Advisory Council from 16 to 15 and
6 removes obsolete references to the former Atlantic Salmon Commission; and

7 4. Clarifies that an individual who has had that individual's lobster fishing license or
8 right to obtain a lobster fishing license suspended in this State or in another state is not
9 eligible for a nonresident lobster and crab landing permit.