

§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. [PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

1-A. Eligibility. A marine harvesting demonstration license may be issued only to an individual, except that a person who holds a noncommercial lobster and crab fishing license may not be issued a marine harvesting demonstration license. [PL 2021, c. 129, §1 (AMD).]

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. [PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

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 the operator of the vessel holds a Class I, Class II or Class III lobster and crab fishing license or as otherwise provided by the department. The trap limits of the vessel operated for the harvest of marine organisms under a Class I, Class II or Class III lobster and crab fishing license may not be exceeded under the marine harvesting demonstration license. [PL 2021, c. 129, §2 (AMD).]

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. [PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

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. [PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

C. A marine harvesting demonstration license holder who also holds a Class I, Class II or Class III lobster and crab fishing license shall use a buoy different in color and pattern and a different tag for fishing activities under subsection 2 than the buoy the individual uses for commercial harvesting. [PL 2021, c. 129, §3 (NEW).]

[PL 2021, c. 129, §3 (AMD).]

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.

[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

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.

[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

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 [PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

B. Held a Class I, Class II or Class III lobster and crab fishing license and has landed lobster under that license. [PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

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

[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

7-A. Closed period exemption. The holder of a marine harvesting demonstration license is exempt from the prohibition on raising or hauling any lobster trap pursuant to section 6440, subsection 2 when raising or hauling lobster traps from the vessel identified on the marine harvesting demonstration license while engaging in fishing activities under subsection 2.

[PL 2021, c. 129, §4 (AMD).]

8. Fee. The fee for a marine harvesting demonstration license is \$26.

[PL 2009, c. 213, Pt. G, §35 (AMD).]

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.

[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

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

[PL 2003, c. 169, §1 (NEW); PL 2003, c. 169, §3 (AFF).]

11. Penalties. 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. The commissioner may suspend the Class I, Class II or Class III lobster and crab fishing license of a person who violates this section. Notwithstanding section 6401, subsection 2, the commissioner may permanently revoke the marine harvesting demonstration license of a person who sells, retains, ships or transports any portion of the catch or does not release all organisms alive into the area from which the organisms were harvested pursuant to subsection 3.

[PL 2021, c. 129, §5 (AMD).]

SECTION HISTORY

PL 2003, c. 169, §1 (NEW). PL 2003, c. 169, §3 (AFF). PL 2009, c. 213, Pt. G, §35 (AMD). PL 2017, c. 146, §§2-4 (AMD). PL 2021, c. 129, §§1-5 (AMD).

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