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Legislative Document

No. 263

H.P. 184

House of Representatives, January 29, 2021

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

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Received by the Clerk of the House on January 27, 2021. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.

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

Sec. 1. 12 MRSA §6174, sub-§3, as amended by PL 2003, c. 248, §3, is further amended to read:

3. Penalty. Whoever violates a rule commits a civil violation for which a fine of not less than \$100 for each violation may be adjudged, unless another penalty is provided.

Sec. 2. 12 MRSA §6301, sub-§2, ¶D, as amended by PL 2005, c. 434, §3, is further amended to read:

D. A shellfish sanitation certificate issued under section 6856 expires on May March 31st of each year;

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 a valid lobster trap tag issued by the commissioner is securely attached to the frame of the trap. 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.

Sec. 4. 12 MRSA §6810-B, sub-§5, as enacted by PL 2017, c. 296, §9, is amended to read:

5. Exemption; limited-purpose aquaculture license for personal use or research.

Notwithstanding subsections 2, 3 and 4, the holder of a limited-purpose aquaculture license issued under section 6072-C may remove, possess or transport within the state limits organisms cultured under that license, subject to all other applicable requirements of this Part an aquaculture license is not required for an aquaculture lease holder or a holder of a limited-purpose aquaculture license issued under section 6072-C who is using that lease or license only for personal use or for research purposes.

SUMMARY

This bill changes the expiration date of shellfish sanitation certificates from May 31st to March 31st and clarifies that an aquaculture license is not needed for holders of aquaculture leases or limited-purpose aquaculture licenses who are using the lease or license only for personal use or for research purposes. The bill clarifies that a lobster trap tag issued by the Department of Marine Resources must be securely attached to the frame of the trap. The bill also provides that the specific penalty for violation of a rule adopted by the department may be specified in that rule.