

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 860 - L.D. 1182

An Act To Allow Commercial Lobster License Holders To Possess a Marine Harvesting Demonstration License

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

Sec. 1. 12 MRSA §6810-A, sub-§1-A, as enacted by PL 2017, c. 146, §2, is amended to read:

1-A. Eligibility. A marine harvesting demonstration license may be issued only to an individual, except that a person who holds a ~~Class I, Class II or Class III lobster and crab fishing license~~ or a noncommercial lobster and crab fishing license may not be issued a marine harvesting demonstration license.

Sec. 2. 12 MRSA §6810-A, sub-§3, as enacted by PL 2003, c. 169, §1 and affected by §3, is amended to read:

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.

Sec. 3. 12 MRSA §6810-A, sub-§4, ¶C is enacted to read:

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.

Sec. 4. 12 MRSA §6810-A, sub-§7-A, as enacted by PL 2017, c. 146, §3, is amended to read:

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.

Sec. 5. 12 MRSA §6810-A, sub-§11, as amended by PL 2017, c. 146, §4, is further amended to read:

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.