

*Title 12, chapter 607: Regulations**Subchapter 1: Regulation Powers***§6174. Rules as law; proof of rules; penalty**

1. Rules as law. All rules adopted by the commissioner have the force of law. [PL 2003, c. 248, §3 (AMD).]

2. Proof of rules. A certified copy of a rule is admissible in court to prove the rule and is prima facie evidence that the rule was properly adopted. A rule must be personally certified by the commissioner, deputy commissioner or Chief of the Bureau of Marine Patrol and must be accompanied by a signed statement that it was in force on the date of the alleged violation. The certified copy is admissible in evidence on the testimony of a marine patrol officer that the patrol officer received the certified rule after requesting it by telephone or otherwise from the department. No further foundation is necessary for the admission of the certified copy. [PL 2003, c. 248, §3 (AMD).]

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. [PL 2003, c. 248, §3 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2003, c. 248, §3 (AMD).

*Title 12 MRSA, chapter 615: General License Provisions***§6301. General provisions**

1. Resident license. Any individual who has been domiciled in Maine for the 6 months preceding the date of application is eligible for a resident license. A corporation is eligible for a resident license if it has been created and exists under the laws of Maine and it has existed in Maine during the 6 months preceding the date of application. A firm or partnership is eligible if all of its officers or partners have been domiciled in Maine for the 6 months preceding the date of application.

For the purposes of this chapter, a resident is a person who:

A. If registered to vote, is registered in Maine; [PL 1991, c. 692 (NEW).]

B. If licensed to drive a motor vehicle, has made application for a Maine motor vehicle operator's license; [PL 1991, c. 692 (NEW).]

C. If the owner of one or more motor vehicles located within the State, has registered at least one of the motor vehicles in Maine; and [PL 1991, c. 692 (NEW).]

D. If required to file a Maine income tax return on the previous April 15th, filed a Maine income tax return. [PL 1991, c. 692 (NEW).]

[PL 1991, c. 692 (AMD).]

2. Expiration. A license or certificate issued by the commissioner expires on December 31st of the year in which it is issued, except that:

A. A deputation certificate issued under section 6856 expires on April 30th of each year; [PL 1993, c. 80, §1 (NEW).]

- B. A shellfish license issued under section 6601 expires on April 30th of each year; [PL 1993, c. 497, §1 (AMD).]
- C. A marine worm digger's license issued under section 6751 expires on April 30th of each year; [PL 1995, c. 492, §1 (AMD).]
- D. A shellfish sanitation certificate issued under section 6856 expires on May 31st of each year; [PL 2005, c. 434, §3 (AMD).]
- E. A marine worm dealer's license issued under section 6853 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]
- F. A marine worm dealer's supplemental license issued under section 6853 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]
- G. A retail seafood license issued under section 6852 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]
- H. A wholesale seafood license with a lobster permit issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]
- I. A wholesale seafood license issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]
- J. A wholesale seafood license with a sea urchin buyer's permit issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]
- K. A wholesale seafood license with a sea urchin processor's permit issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]
- L. A wholesale seafood supplemental license issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]
- M. A shellfish transportation license issued under section 6855 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]
- N. A shellfish transportation supplemental license issued under section 6855 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]
- O. A lobster meat permit issued under section 6857 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]
- P. A lobster transportation license issued under section 6854 expires on March 31st of each year; [PL 1999, c. 491, §1 (AMD); PL 1999, c. 491, §9 (AFF).]
- Q. A lobster transportation supplemental license issued under section 6854 expires on March 31st of each year; [PL 2009, c. 523, §1 (AMD); PL 2009, c. 561, §7 (AMD).]
- R. A wholesale seafood license with a shrimp permit issued under section 6851 expires on March 31st of each year; [PL 2011, c. 420, Pt. A, §9 (RPR).]
- S. An enhanced retail certificate issued under section 6852, subsection 2-A expires on March 31st of each year; [PL 2011, c. 598, §16 (AMD).]
- REVISOR'S NOTE:** Paragraph S as enacted by PL 2009, c. 523, §3 is REALLOCATED TO TITLE 12, SECTION 6301, SUBSECTION 2, PARAGRAPH V
- T. A seaweed buyer's license issued under section 6803-A expires on March 31st of each year; [RR 2009, c. 2, §23 (COR).]
- U. [PL 2015, c. 68, §2 (RP).]

V. **(REALLOCATED FROM T. 12, §6301, sub-§2, ¶(S))** A lobster processor license issued under section 6851-B expires on March 31st of each year; [PL 2017, c. 296, §3 (AMD).]

W. A commercial green crab only license issued under section 6808 expires on April 30th of each year; and [PL 2017, c. 296, §4 (AMD).]

X. An aquaculture license issued under section 6810-B expires on April 30th of each year. [PL 2017, c. 296, §5 (NEW).]
[PL 2017, c. 296, §§3-5 (AMD).]

3. Nontransferable. A license or certificate shall not be transferable.
[PL 1977, c. 661, §5 (NEW).]

4. Supplemental license. A supplemental license may only be issued for an establishment or vehicle which is owned, leased or rented by the license holder.
[PL 1977, c. 661, §5 (NEW).]

5. Information. When application information concerning any person, establishment or vehicle named in a license or certificate changes, the holder shall immediately notify the commissioner in writing within 3 business days or the license or certificate shall become void.
[PL 1977, c. 661, §5 (NEW).]

6. Ownership identified. If a license issued under chapter 625 is issued to a firm, corporation or partnership, the individual who owns the highest percentage of that firm, corporation or partnership must be identified on the license application. When 2 or more individuals own in equal proportion the highest percentages of a firm, corporation or partnership, each of those owners must be identified.
[PL 2013, c. 282, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1985, c. 52, §1 (AMD). PL 1991, c. 692 (AMD). PL 1993, c. 80, §1 (AMD). PL 1993, c. 497, §§1,2 (AMD). PL 1995, c. 492, §§1-3 (AMD). PL 1995, c. 492, §5 (AFF). PL 1999, c. 491, §§1,2 (AMD). PL 1999, c. 491, §9 (AFF). PL 2005, c. 434, §3 (AMD). RR 2009, c. 2, §§22-24 (COR). PL 2009, c. 523, §§1-3 (AMD). PL 2009, c. 561, §§7-11 (AMD). PL 2011, c. 420, Pt. A, §9 (AMD). PL 2011, c. 598, §16 (AMD). PL 2013, c. 282, §1 (AMD). PL 2013, c. 492, §§1-3 (AMD). PL 2015, c. 68, §2 (AMD). PL 2017, c. 296, §§3-5 (AMD).

Title 12, Chapter 619, Lobster and Crab Fishing Licenses

Subchapter 2: Limits on Fishing and Prohibited Acts

§6431-B. Tag system

1. Tag system established. The commissioner shall establish by rule a lobster trap tag system under which lobster and crab fishing license holders and nonresident lobster and crab landing permit holders must purchase tags for the purpose of identifying and tracking traps. The rules must contain provisions for replacing lost tags. The commissioner may impose a per tag fee to cover the cost of trap tags, the costs of administering and enforcing a lobster trap tag system, the costs of management of the lobster fishery and the costs associated with lobster management policy councils and referenda pursuant to section 6447. Trap tag fees must be deposited in the Lobster Management Fund established under section 6431-C. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2017, c. 197, §9 (NEW).]

2. Penalties. A person who violates a rule adopted pursuant to subsection 1 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 [PL 2017, c. 197, §9 (NEW).]

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. [PL 2017, c. 197, §9 (NEW).]
[PL 2017, c. 197, §9 (NEW).]

SECTION HISTORY

PL 1995, c. 468, §5 (NEW). PL 2003, c. 20, §WW3 (AMD). PL 2007, c. 201, §13 (AMD). PL 2017, c. 197, §9 (RPR).

Chapter 623, Shellfish, Scallops, Worms and Miscellaneous License

Subchapter 4: Miscellaneous Species

12 MRSA §6810-B. Aquaculture license

1. Definition. For the purposes of this section, "shellfish" means shellstock clams, quahogs other than mahogany quahogs, mussels and oyster shellstock.
[PL 2017, c. 296, §9 (NEW).]

2. License required. Beginning May 1, 2018, a person may not engage in the activities authorized under this section without a current aquaculture license.
[PL 2017, c. 296, §9 (NEW).]

3. Licensed activities; all aquacultured organisms except shellfish. The holder of an aquaculture license or authorized representative of the holder of an aquaculture license may remove, possess, transport within the state limits or sell cultured organisms, except shellfish, the holder has removed from the leased area described in the holder's lease issued under section 6072, 6072-A or 6072-B or cultured organisms, except shellfish, the holder has cultured pursuant to a license issued under section 6072-C. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2017, c. 296, §9 (NEW).]

4. Licensed activities; shellfish. The holder of an aquaculture license or authorized representative of the holder of an aquaculture license may remove, possess, transport within the state limits or sell to a wholesale seafood license holder certified under section 6856 or an enhanced retail certificate holder under section 6852, subsection 2-A cultured shellfish the holder has removed from the leased area described in the holder's lease issued under section 6072, 6072-A or 6072-B or cultured shellfish the holder has cultured pursuant to a license issued under section 6072-C or under Title 7, section 1501. Such a holder of an aquaculture license may also sell such shellstock from that license holder's home in the retail trade. A holder of an aquaculture license who is also the holder of a lease issued under section 6072 or 6072-A or that holder's authorized representative may sell such shellstock from the holder's lease site in the retail trade. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 334, §2 (AMD).]

5. Exemption; limited-purpose aquaculture license for personal use. 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.
[PL 2017, c. 296, §9 (NEW).]

6. Eligibility. An aquaculture license may be issued only to an individual who holds a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C.

[PL 2017, c. 296, §9 (NEW).]

7. Fee. The fee for an aquaculture license is \$133, of which \$74.75 must be deposited in the Aquaculture Management Fund established in section 6072-D.

[PL 2017, c. 296, §9 (NEW).]

8. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

[PL 2017, c. 296, §9 (NEW).]

SECTION HISTORY

PL 2017, c. 296, §9 (NEW). PL 2019, c. 334, §2 (AMD).