

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in Part A by striking out all of section 1 and inserting the following:

‘**Sec. A-1. 12 MRSA §6022, sub-§18** is enacted to read:

18. Commissioner's authority. The State assents to the provisions of the Federal Aid in Sport Fish Restoration Act, 16 United States Code, Chapter 10B, as amended. The commissioner may perform all acts necessary for the establishment and implementation of cooperative fish restoration and management projects as defined by that Act and the implementing regulations promulgated under that Act.

Sec. A-2. 12 MRSA §6302-A, sub-§1, as amended by PL 2011, c. 137, §1, is further amended to read:

1. Tribal exemption; commercial harvesting licenses. A member of the Passamaquoddy Tribe or Penobscot Nation who is a resident of the State is not required to hold a state license or permit issued under section 6421, 6501, 6502-A, 6505-A, 6505-C, 6535, 6601, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6803 or 6804 to conduct activities authorized under the state license or permit if that member holds a valid license issued by the tribe or nation to conduct the activities authorized under the state license or permit. A member of the Passamaquoddy Tribe or Penobscot Nation issued a tribal license pursuant to this subsection to conduct activities is subject to all laws and rules applicable to a person who holds a state license or permit to conduct those activities and to all the provisions of chapter 625, except that the member of the tribe or nation:

A. May utilize lobster traps tagged with trap tags issued by the tribe or nation in a manner consistent with trap tags issued pursuant to section 6431-B. A member of the tribe or nation is not required to pay trap tag fees under section 6431-B if the tribe or nation issues that member trap tags;

B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe or nation in a manner consistent with tags issued pursuant to section 6505-B. A member of the tribe or nation is not required to pay elver fishing gear fees under section 6505-B if the tribe or nation issues that member elver fishing gear tags; and

C. Is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671.’

Amend the bill in Part A by inserting after section 7 the following:

‘**Sec. A-8. 12 MRSA §6431, sub-§1**, as amended by PL 2005, c. 6, §1, is further amended to read:

1. Minimum and maximum length. A person may not buy, sell, give away, transport, ship or possess any lobster that is less than the minimum size established in this subsection or more than 5 inches in length, as determined by the ~~state double gauge~~ lobster measure certified in accordance with subsection 3. Except as provided in subsection 1-A, the minimum lobster size is 3 8/32 inches.

Amend the bill in Part A by striking out all of sections 9 and 10 (page 3, lines 8 to 30 in L.D.)

Amend the bill in Part A by inserting after section 19 the following:

‘Sec. A-20. 12 MRSA §6851, sub-§§2-B and 2-C, as enacted by PL 1993, c. 740, §4, are amended to read:

2-B. Wholesale seafood license with a sea urchin buyer's permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a sea urchin buyer's permit. A person holding a wholesale seafood license with a sea urchin buyer's permit may engage in all the activities in subsection 2 and may buy, sell, ship or transport whole sea urchins or sea urchin parts. A license under this subsection does not authorize a person to engage in the processing of sea urchins ~~or to buy, sell, ship or transport sea urchin parts~~.

2-C. Wholesale seafood license with a sea urchin processor's permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a sea urchin processor's permit. A person holding a wholesale seafood license with a sea urchin processor's permit may engage in all the activities in subsection 2 and may buy, sell, process, ship or transport whole sea urchins or sea urchin parts processed under that license.’

Amend the bill in Part B in section 6 in §6042 in subsection 5 by striking out all of the first sentence (page 7, lines 26 to 29 in L.D.) and inserting the following: 'The commissioner shall retain a permanent right of first refusal on any working waterfront property acquired in fee or protected by working waterfront covenant or other less-than-fee interests under Title 5, section 6203-B.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment makes the following changes.

1. It provides that the State assents to the Federal Aid in Sport Fish Restoration Act and that the Commissioner of Marine Resources may perform acts necessary for the establishment and implementation of cooperative fish restoration and management projects defined in that Act.

2. It corrects a reference in current law to "double gauge" as the State's lobster measure to provide consistency with a similar change made by the bill.

3. It removes the definition of "temporarily" added by the bill to 2 provisions of law related to the commissioner's authority to allow a person to take lobsters from a vessel other than the vessel listed on the person's license. This removal gives the commissioner discretion to continue to make determinations on a case-by-case basis when necessary.

4. It adds sea urchin parts to what a person holding a wholesale seafood license with a sea urchin buyer's permit may buy, sell, ship or transport. It removes language that restricts a license holder from buying, selling, shipping or transporting sea urchin parts.

5. It specifies that activities a person holding a wholesale seafood license with a sea urchin processor's permit may engage in include sea urchins or sea urchin parts processed under that license.

FISCAL NOTE REQUIRED

(See attached)