

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

An Act To Provide for Improved Reporting of Marine Resources Landings

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

Sec. 1. 12 MRSA §6173, sub-§§3 and 4 are enacted to read:

3. Equipment required. The commissioner may require a person licensed under chapter 625 to purchase specific equipment that is necessary to comply with rules regarding electronic reporting adopted pursuant to this section as a condition of engaging in the licensed activities.

4. Reimbursement for equipment provided. If the holder of a license issued under chapter 625 fails to pay a fee or charge for equipment that is necessary to comply with rules regarding electronic reporting adopted pursuant to this section and that was provided by the department and either not returned to the department by the license holder or returned in poor condition, the commissioner may refuse to renew or issue any marine resources license or permit to that license holder.

Sec. 2. 12 MRSA §6535, sub-§2, as amended by PL 2013, c. 492, §6, is further amended to read:

2. Licensed activity. A person licensed under this section may tend divers who harvest sea urchins and scallops by hand and operate a boat as a platform for the harvesting of sea urchins and scallops by hand and may possess, ship, transport and sell sea urchins and scallops harvested by licensed harvesters subject to the requirements of paragraph A. A sea urchin and scallop diving tender license does not authorize the holder to harvest sea urchins and scallops. As used in this subsection, "tend" means to assist the diver in any way, to operate a boat as a platform for harvesting or to cull or otherwise handle the harvested product.

A. A diving tender licensed under this section may not sell sea urchins or scallops unless the person:

~~(1) Sells sea urchins to a purchaser who holds a valid wholesale seafood license with a sea urchin buyer's permit or a valid wholesale seafood license with a sea urchin processor's permit or a valid retail seafood license or sells scallops to a purchaser who holds a valid wholesale seafood license or a valid retail seafood license; and~~

~~(2) Provides to the purchaser the name and license number of the license holder with whom the person was engaged when the sea urchins or scallops were harvested.~~

B. A holder of a wholesale seafood license, a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases scallops or sea urchins from a diving tender licensed under this section may not purchase the sea urchins or scallops except by check or cashier's check unless there is a written receipt associated with the transaction, and the holder of a wholesale seafood license, a wholesale

~~seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases scallops or sea urchins from a licensed diving tender shall report the information provided by the person under paragraph A, subparagraph (2) in accordance with section 6173.~~

As long as one person present on a boat engaged as a platform for the harvesting of sea urchins and scallops by hand has met the tender safety requirements adopted by rule pursuant to section 6533, all other persons present on the boat may operate the boat or engage in culling activities or otherwise handle the harvested product. An individual who engages in harvesting activities in accordance with a license issued under section 6701 or 6748 may not be considered as the person who has met the tender safety requirements adopted by rule pursuant to section 6533.

Sec. 3. 12 MRSA §6701, sub-§2, as repealed and replaced by PL 2009, c. 561, §22, is amended to read:

2. Licensed activity. The holder of a hand fishing scallop license may take scallops by hand or possess, ship, transport or sell shucked scallops the holder has taken. ~~An unlicensed person acting as a tender for an individual licensed under subsection 5, paragraph B, in accordance with subsection 4, may possess, ship, transport and sell shucked scallops the hand fishing scallop license holder has taken.~~ A person may not act as a tender under subsection 5, paragraph B unless that person has met the tender safety requirements adopted by rule pursuant to section 6533.

Sec. 4. 12 MRSA §6748, sub-§2, as corrected by RR 2013, c. 1, §23, is amended to read:

2. Licensed activity. The holder of a handfishing sea urchin license may take sea urchins by hand or possess, ship, transport or sell sea urchins. ~~An unlicensed person acting as a tender for an individual licensed under subsection 4, paragraph B, in accordance with subsection 1-A, may possess, ship, transport and sell sea urchins the handfishing sea urchin license holder has taken subject to the requirements of paragraph A.~~

~~A. An unlicensed person acting as a tender may not sell sea urchins unless the person:~~

~~(1) Sells sea urchins to a purchaser who holds a valid wholesale seafood license with a sea urchin buyer's permit or a valid wholesale seafood license with a sea urchin processor's permit or a valid retail seafood license; and~~

~~(2) Provides to the purchaser the name and license number of the license holder with whom the person was engaged when the sea urchins were harvested.~~

~~B. A holder of a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases sea urchins from an unlicensed person acting as a tender must purchase the sea urchins by check or cashier's check unless there is a written receipt associated with the transaction, and the holder of a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea~~

~~urchin processor's permit or a retail seafood license who purchases sea urchins from an unlicensed person acting as a tender shall report the information provided by the person under paragraph A, subparagraph (2) in accordance with section 6173.~~

A person may not act as a tender under subsection 4, paragraph B unless that person has met the tender safety requirements adopted by rule pursuant to section 6533.

Sec. 5. 12 MRSA §6851, sub-§2, ¶A, as amended by PL 2011, c. 598, §41, is further amended to read:

A. Within or beyond the state limits, buy, sell, process, ship or transport any marine species or their parts, except lobsters and sea urchins; scallops purchased directly from harvesters; and shrimp purchased directly from harvesters;

Sec. 6. 12 MRSA §6851, sub-§2-E is enacted to read:

2-E. Wholesale seafood license with a scallop permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a scallop permit. A person holding a wholesale seafood license with a scallop permit may engage in all of the activities in subsection 2, may buy scallops from harvesters and may sell, process, ship or transport scallops.

SUMMARY

This bill changes the marine resources licensing laws to facilitate the expansion of the use of the transaction card system for electronic dealer reporting that was successfully implemented in Maine's elver fishery in 2014. Specifically, it provides that an individual who holds a dealer's license may be required to obtain equipment specified by the Department of Marine Resources in order to engage in licensed activities. Additionally, it specifies that in the sea urchin and scallop fisheries the license holder must be the individual who sells the harvested product. This change is necessary because only the license holder will be issued a transaction card.

It also prohibits a holder of a wholesale seafood license from dealing in scallops without the holder's obtaining from the Commissioner of Marine Resources a scallop permit, which permits the holder to buy scallops from harvesters and to sell, process, ship or transport scallops.