

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 Make Technical Changes to Maine's Marine Resources Laws

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

Sec. 1. 5 MRSA §12004-I, sub-§57-C, as reenacted by PL 2011, c. 598, §1, is amended to read:

57-C.

Marine Resources	Aquaculture Advisory Council	Not Authorized <u>Expenses Only</u>	12 MRSA §6080
------------------	------------------------------	---	---------------

Sec. 2. 12 MRSA §6001, sub-§13-I, as enacted by PL 2005, c. 26, §1, is amended to read:

13-I. Established base of operations. "Established base of operations" means the location where a vessel has its primary relationship. Among the factors identifying a primary relationship are the locations at which the vessel is primarily moored or docked, where it prepares for expeditions and hires a crew and to which it regularly returns for repairs, supplies and activities relating to its business or trade. The fact that a vessel carries on one or more of these activities at more than one location within this State or at a location or locations outside this State does not prevent the vessel from being considered to have an established base of operations within the State if a substantial portion of these activities are carried on at a location or locations within this State. For purposes of this subsection, "substantial portion" means a period exceeding ~~60~~30 days in any calendar year.

Sec. 3. 12 MRSA §6024, sub-§1-A, as amended by PL 2009, c. 369, Pt. A, §23, is further amended to read:

1-A. Appointment; composition; term; compensation. The Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of ~~16~~15 members. The chair of the Lobster Advisory Council, ~~the chair of the Sea Run Fisheries and Habitat Advisory Council~~, the chair of the Sea Urchin Zone Council and the chair of the Shellfish Advisory Council are ex officio members of the council. Each other member is appointed by the Governor and is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources matters and to confirmation by the Legislature. Five members must be persons who are licensed under this Part to engage in commercial harvesting activities. Those 5 members are selected by the Governor from names recommended to the Governor by groups representing commercial harvesting interests. Each member must represent a different commercial harvesting activity, except that none of those 5 members may represent lobster harvesters. The remaining 7 members must include one public member, 4 persons who hold a nonharvesting-related license under this Part, one person representing recreational saltwater anglers and one person representing the aquaculture industry. The Governor shall select the person to represent the aquaculture industry from among the names recommended by the aquaculture industry. The composition of the council must reflect a geographical distribution along the coast. All appointed

members are appointed for a term of 3 years, except a vacancy must be filled in the same manner as an original member for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. The chair of the Lobster Advisory Council, ~~the chair of the Sea Run Fisheries and Habitat Advisory Council~~, the chair of the Sea Urchin Zone Council and the chair of the Shellfish Advisory Council shall serve until a new chair of the Lobster Advisory Council, ~~a new chair of the Sea Run Fisheries and Habitat Advisory Council~~, a new chair of the Sea Urchin Zone Council or a new chair of the Shellfish Advisory Council, respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

Sec. 4. 12 MRSA §6139, as enacted by PL 2007, c. 240, Pt. QQ, §6, is repealed.

Sec. 5. 12 MRSA §6140-A, first ¶, as enacted by PL 2007, c. 240, Pt. QQ, §8, is amended to read:

Unless more restrictive rules are adopted by the ~~commission~~department, the following restrictions apply to methods of fishing and the season for Atlantic salmon.

Sec. 6. 12 MRSA §6140-A, sub-§4, as enacted by PL 2007, c. 240, Pt. QQ, §8, is amended to read:

4. Open season. The ~~commission~~, ~~after consultation with and advice from the Sea Run Fisheries and Habitat Advisory Council~~,department may establish by rule an open season during which a person may fish for Atlantic salmon. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 7. 12 MRSA §6421, sub-§5-D, ¶B, as amended by PL 2011, c. 266, Pt. A, §5, is further amended to read:

B. Possesses a valid federal lobster permit or a valid lobster fishing license from a state other than this State; ~~and~~

Sec. 8. 12 MRSA §6421, sub-§5-D, ¶C, as amended by PL 2011, c. 266, Pt. A, §6, is further amended to read:

C. Except as authorized under subsection 5-E, does not operate a lobster and crab fishing vessel with an established base of operations in this State.; ~~and~~

Sec. 9. 12 MRSA §6421, sub-§5-D, ¶E is enacted to read:

E. Has not had that individual's lobster fishing license or right to obtain a lobster fishing license suspended in this State or in another state.

SUMMARY

This bill:

1. Provides that members of the Aquaculture Advisory Council are eligible for reimbursement for travel expenses;

2. Changes from 60 to 30 the number of days in a calendar year that constitute a substantial portion of a vessel's business or trade activities for the purposes of establishing the vessel's base of operations under the commercial fishing laws;

3. Eliminates the Sea Run Fisheries and Habitat Advisory Council, changes the number of members of the Marine Resources Advisory Council from 16 to 15 and removes obsolete references to the former Atlantic Salmon Commission; and

4. Clarifies that an individual who has had that individual's lobster fishing license or right to obtain a lobster fishing license suspended in this State or in another state is not eligible for a nonresident lobster and crab landing permit.