

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. 12 MRSA §6302-B, sub-§3, as enacted by PL 2013, c. 485, §3, is amended to read:

3. Overage. If the total ~~weight~~amount of ~~elvers~~elver quota sold by persons licensed by the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians exceeds the quota allocated under subsection 1 to that tribe, nation or band, the commissioner shall deduct the amount of the overage from any future allocation to that tribe, nation or band. If the overage exceeds the overall annual quota allocated to that tribe, nation or band for the following year, the overage must be deducted from the overall annual quota allocations to that tribe, nation or band in subsequent years until the entire overage has been accounted for.

Sec. 2. 12 MRSA §6409, as amended by PL 2009, c. 561, §14, is further amended to read:

§ 6409. Suspension of license for failure to appear, answer or pay

If a license is suspended pursuant to Title 14, section 3142, the suspension remains in effect and that person is ineligible to obtain or hold a license until the person pays the fine. ~~On~~Except for a limited entry fishery, as defined in section 6310-A, subsection 2, upon payment of the fine and on condition of payment of a \$25 administrative fee to the department, the suspension is rescinded and the person's eligibility to obtain or hold a license reinstated. For a limited entry fishery, as defined in section 6310-A, subsection 2, in order for the suspension to be rescinded and the person's eligibility to obtain or hold a license to be reinstated, the person must purchase the license and pay the \$25 administrative fee to the department by no later than the end of the calendar year following the year in which the fine is paid. For the purposes of this section, "fine" has the same meaning as in Title 14, section 3141, subsection 1.

Sec. 3. 12 MRSA §6410, as amended by PL 2009, c. 561, §15, is further amended to read:

§ 6410. Suspension of license for failure to comply with court order of support

If a person's eligibility to obtain or hold a license or registration is suspended pursuant to Title 19-A, section 2201, the suspension remains in effect until the person is in compliance with a court order of support. ~~On condition of~~Except for a limited entry fishery, as defined in section 6310-A, subsection 2, upon payment of a \$25 administrative fee to the department, the suspension is rescinded and the person's eligibility to obtain or hold a license reinstated. For a limited entry fishery, as defined in section 6310-A, subsection 2, in order for the suspension to be rescinded and the person's eligibility to obtain or hold a license to be reinstated, the person must purchase the license and pay the \$25 administrative fee to the department by no later than the end of the calendar year following the year in which the person is in compliance with the court order of support.

Sec. 4. 12 MRSA §6411, as enacted by PL 2009, c. 561, §16, is amended to read:

§ 6411. Refusal to renew or reissue license for failure to file or failure to pay state tax obligations

If a person's eligibility to obtain a license is suspended pursuant to Title 36, section 175, the suspension is in effect until the State Tax Assessor issues a certificate of good standing. ~~On condition of~~Except for a limited entry fishery, as defined in section 6310-A, subsection 2, upon payment of a \$25 administrative fee to the department, the suspension is rescinded and the person's eligibility to obtain a license reinstated. For a limited entry fishery, as defined in section 6310-A, subsection 2, in order for the suspension to be rescinded and the person's eligibility to obtain a license to be reinstated, the person must purchase the license and pay the \$25 administrative fee to the department by no later than the end of the calendar year following the year in which the person is issued a certificate of good standing.

Sec. 5. 12 MRSA §6505-A, sub-§3-A, as amended by PL 2015, c. 131, §1, is further amended to read:

3-A. Elver fishing quotas. The commissioner may adopt rules to establish, implement and administer an elver individual fishing quota system in order to ensure that the elver fishery annual landings do not exceed the overall annual quota established by the Atlantic States Marine Fisheries Commission. Except as provided in section 6575-L, a person issued a license under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may not take, possess or sell ~~elvers~~an amount of elver quota in excess of the ~~weight~~ quota allocated to that person under the quota system. The rules must:

A. Establish an overall annual quota for the State;

B. Establish the amount of the overall annual quota under paragraph A that is allocated to persons licensed under this section and specify a formula to establish individual quotas for persons licensed under this section. The formula may take into account the amount of elvers a person licensed under this section lawfully harvested in previous seasons based on final harvesting reports. The rules must specify the date by which harvester reports are considered final for the purpose of determining individual quotas; and

C. Provide, in accordance with section 6302-B, that 21.9% of the overall annual quota under paragraph A is allocated to the federally recognized Indian tribes in the State and establish the amount of that portion of the overall annual quota allocated to the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs.

If persons issued licenses under this section collectively exceed the overall annual quota allocated to those persons pursuant to paragraph B, the number of pounds by which the license holders exceeded that overall annual quota must be deducted from the following year's overall annual quota allocated to persons licensed under this section. If the overage exceeds the overall annual quota allocated to persons licensed under this section for the following year, the overage must be deducted from the overall annual quota allocated to persons licensed under this section in subsequent years until the entire overage has been accounted for.

The commissioner may adopt or amend rules on an emergency basis if immediate action is necessary to establish and implement the elver individual fishing quota in advance of the beginning of the elver fishing season.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. 12 MRSA §6575-K, sub-§1, as amended by PL 2015, c. 131, §2, is further amended to read:

1. Prohibition on possession or sale of elvers in excess of elver individual fishing quota. A person may not possess or sell ~~a weight of elvers~~ an amount of elver individual fishing quota that exceeds the elver individual fishing quota that person has been allocated for the fishing season pursuant to section 6505-A, subsection 3-A, plus any additional quota the person may be authorized to take under section 6575-L.

Sec. 7. 12 MRSA §6575-K, sub-§2, as amended by PL 2015, c. 131, §2, is further amended to read:

2. Prohibition on fishing after elver individual fishing quota has been reached. Except as provided in section 6575-L, this section applies to fishing after a person's elver individual fishing quota has been reached. A person who has sold ~~a weight of elvers~~ an amount of elver individual fishing quota that meets or exceeds that person's elver individual fishing quota may not fish for or possess elvers for the remainder of the season, except that such a person who has been issued a license to fish for elvers may in accordance with section 6575-D assist another person who has been issued a license to fish for elvers who has not met or exceeded that person's elver individual fishing quota as provided in section 6505-A, subsection 3-A. All gear tagged by a license holder who has met or exceeded that person's elver individual fishing quota must be removed. A marine patrol officer may seize the elver transaction card of a license holder who has met or exceeded that person's elver individual fishing quota.

Sec. 8. 12 MRSA §6851, sub-§2-A, as amended by PL 2009, c. 523, §8, is further amended to read:

2-A. Wholesale seafood license with lobster permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a lobster permit. A person holding a wholesale seafood license with a lobster permit may engage in all the activities in subsection 2 and may buy, sell, process or ship lobster or properly licensed or lawfully imported lobster meat or parts. A person holding a wholesale seafood license with a lobster permit may transport lobster or properly licensed or lawfully imported lobster meat or parts anywhere within the state limits. A license under this subsection does not authorize a person to possess or transport lobster that person has taken unless that person is in possession of a license issued under section 6421, subsection 3-A, paragraph A, B, C or E. A license under this subsection does not authorize a person to remove lobster meat from the shell unless a license under section 6851-B or 6857 is held.

SUMMARY

This bill makes technical changes to Maine's marine resources laws. It clarifies that it is the amount of quota, not the weight of elvers, sold through the elver transaction card system that is used to determine if an allocated quota has been exceeded. It clarifies that if a person holds a license in a limited entry fishery and that license has been suspended by the court, by the Department of Health and Human Services or by the Department of Administrative and Financial Services, Maine Revenue Services, the person, when the person becomes compliant, has the remainder of that calendar year and all of the following calendar year to purchase the license. It clarifies that a person who holds a wholesale seafood license with a lobster permit may remove lobster meat from the shell under either a lobster processor license or a lobster meat permit.