



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 263

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H.P. 184

House of Representatives, January 29, 2021

### **An Act To Make Technical Changes to Maine's Marine Resources Laws**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.  
Received by the Clerk of the House on January 27, 2021. Referred to the Committee on  
Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative McCREIGHT of Harpswell.

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

2 **Sec. 1. 12 MRSA §6174, sub-§3**, as amended by PL 2003, c. 248, §3, is further  
3 amended to read:

4 **3. Penalty.** Whoever violates a rule commits a civil violation for which a fine of not  
5 less than \$100 for each violation may be adjudged, unless another penalty is provided.

6 **Sec. 2. 12 MRSA §6301, sub-§2, ¶D**, as amended by PL 2005, c. 434, §3, is further  
7 amended to read:

8 D. A shellfish sanitation certificate issued under section 6856 expires on May March  
9 31st of each year;

10 **Sec. 3. 12 MRSA §6431-B, sub-§2**, as enacted by PL 2017, c. 197, §9, is amended  
11 to read:

12 **2. Penalties.** A person may not fish or have on board a vessel a lobster trap unless a  
13 valid lobster trap tag issued by the commissioner is securely attached to the frame of the  
14 trap. ~~A person who violates a rule adopted pursuant to subsection 1~~ this subsection  
15 commits:

16 A. A civil violation for which a fine of \$250 must be adjudged if the person fishes 25  
17 or fewer traps that are not tagged in accordance with rules adopted pursuant to  
18 subsection 1; and

19 B. A Class D crime if the person fishes more than 25 traps that are not tagged in  
20 accordance with rules adopted pursuant to subsection 1.

21 **Sec. 4. 12 MRSA §6810-B, sub-§5**, as enacted by PL 2017, c. 296, §9, is amended  
22 to read:

23 **5. Exemption; limited-purpose aquaculture license for personal use or research.**  
24 Notwithstanding subsections 2, 3 and 4, ~~the holder of a limited-purpose aquaculture license~~  
25 ~~issued under section 6072-C may remove, possess or transport within the state limits~~  
26 ~~organisms cultured under that license, subject to all other applicable requirements of this~~  
27 Part an aquaculture license is not required for an aquaculture lease holder or a holder of a  
28 limited-purpose aquaculture license issued under section 6072-C who is using that lease or  
29 license only for personal use or for research purposes.

30 **SUMMARY**

31 This bill changes the expiration date of shellfish sanitation certificates from May 31st  
32 to March 31st and clarifies that an aquaculture license is not needed for holders of  
33 aquaculture leases or limited-purpose aquaculture licenses who are using the lease or  
34 license only for personal use or for research purposes. The bill clarifies that a lobster trap  
35 tag issued by the Department of Marine Resources must be securely attached to the frame  
36 of the trap. The bill also provides that the specific penalty for violation of a rule adopted  
37 by the department may be specified in that rule.