

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

H.P. 184 - L.D. 263

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 §6072-A, sub-§8, as amended by PL 2021, c. 52, §12, is further amended to read:

8. Rules; general and lease application. The commissioner may adopt rules to implement the provisions of this section. Within 180 days of the effective date of this section, the commissioner shall adopt rules regarding a limited-purpose lease application. The rules must require an applicant to, at a minimum, meet the requirements of section 6072, subsection 2, paragraph E and section 6072, subsection 4, paragraphs A, B, C, E, F, G and J. The rules must also require an applicant to provide to the department proof of access to the lease area. If access will be across riparian land, the applicant shall provide to the department the written permission of every riparian owner whose land will be used to access the lease area. The commissioner may adopt rules to add or delete authorization for the holder of an aquaculture lease that is held only for scientific research purposes to grow specific species and to use specific gear on the lease site. A change in authorization is not an adjudicatory proceeding. The rules must provide for notice of proposed changes in gear authorization to the public, riparian landowners and the municipality in which the lease is located and an opportunity to submit written comments on the proposal. Authorization to add species or gear must be consistent with the findings made under subsection 13 when the lease was approved.

Sec. 2. 12 MRSA §6073-C, as amended by PL 2017, c. 296, §2 and affected by §10, is further amended to read:

§6073-C. Harvester license exemption; scallop aquaculture

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C is exempt from any requirement under sections 6701, 6702 and 6703 to hold a separate license for the removal, possession or transport of scallops from the leased area or the licensed gear ~~when the final product form is the adductor muscle only~~, except that, beginning May 1, 2018, a person may not sell organisms cultured on the lease site or under the limited-purpose aquaculture license without a license issued under section 6810-B. ~~This exemption does not apply to scallops in any other form.~~

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

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

Sec. 4. 12 MRSA §6301, sub-§2, ¶D, as amended by PL 2005, c. 434, §3, is further amended to read:

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

Sec. 5. 12 MRSA §6431-B, sub-§2, as enacted by PL 2017, c. 197, §9, is amended to read:

2. Penalties. A person may not fish or have on board a vessel a lobster trap unless the lobster trap is tagged in accordance with rules adopted pursuant to subsection 1. A person who violates ~~a rule adopted pursuant to subsection 1~~ this subsection commits:

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

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

Sec. 6. 12 MRSA §6810-B, sub-§5, as enacted by PL 2017, c. 296, §9, is amended to read:

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