

STATE OF MAINE

—

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIFTEEN

—

S.P. 260 - L.D. 730

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Sec. 1. 12 MRSA §6072, sub-§10, ¶A, as repealed and replaced by PL 2003, c. 247, §6, is repealed.

Sec. 2. 12 MRSA §6301, sub-§2, ¶U, as amended by PL 2013, c. 492, §1, is repealed.

Sec. 3. 12 MRSA §6421, sub-§3-A, ¶E, as repealed and replaced by PL 2003, c. 468, §1, is amended to read:

E. A student license authorizes the license holder to engage in the licensed activities under subsection 2. A student license may be issued only to a person who, at the time of application, is 8 years of age or older and under 23 years of age. A person issued a student license may not submerge more than:

- (1) Ten lobster traps in the coastal waters of the State if the person is 8 years of age or older and under 11 years of age;
- (2) Fifty lobster traps in the coastal waters of the State if the person is 11 years of age or older and under 14 years of age; or
- (3) One hundred and fifty lobster traps in the coastal waters of the State if the person is 14 years of age or older and under 23 years of age.

A person issued a student license is enrolled in the apprentice program under section 6422. When applying for a license the person must designate a sponsor and may designate up to 3 sponsors. For the purposes of this paragraph, "sponsor" means a person who holds a Class I, Class II or Class III lobster and crab fishing license issued under this section.

Sec. 4. 12 MRSA §6439-A, as amended by PL 2001, c. 272, §4, is repealed.

Sec. 5. 12 MRSA §6446, sub-§1-A, as amended by PL 2007, c. 201, §16, is further amended to read:

1-A. Declared lobster zone; authorized zones. On an application for a Class I, Class II, Class III, student or noncommercial lobster and crab fishing license or a nonresident lobster and crab landing permit, a person shall declare the lobster management zone in which that person proposes to fish a majority of that person's lobster traps and shall list all other zones in which that person proposes to fish any of that person's lobster traps. A Class I, Class II, Class III, student or noncommercial lobster and crab fishing license or a nonresident lobster and crab landing permit must identify the declared lobster zone in which the person is authorized to fish a majority of that person's lobster traps and must identify all other zones in which a person is authorized to fish that person's traps. A person may not place any lobster traps in a zone that is not identified on that person's license. For the purposes of this subsection, the majority of a person's lobster traps must be determined from the number of trap tags issued to that person.

Sec. 6. 12 MRSA §6447, sub-§5, as amended by PL 2009, c. 499, §2 and affected by §3, is further amended to read:

5. Council authority. Upon approval in a referendum under subsection 6, a lobster management policy council may propose to the commissioner rules for a zone to place the following limitations on lobster and crab fishing license holders that fish in that zone, as long as the proposed limitations are equal to or stricter than the limitations under section 6431-A, ~~6439-A~~ or 6440:

- A. The number of lobster traps fished and the time periods allowed for complying with that number;
- B. The number of lobster traps allowed on a trawl; and
- C. The time of day when lobster fishing may occur.

Sec. 7. 12 MRSA §6448, sub-§3, as enacted by PL 1999, c. 508, §3, is amended to read:

3. Fishing in limited-entry zones. A person who holds a Class I, Class II ~~or~~, Class III or student lobster and crab fishing license may not fish a majority of that person's lobster traps in a limited-entry zone unless that person's license identifies that zone as the declared lobster zone.

Sec. 8. 12 MRSA §6481, sub-§1, as enacted by PL 2013, c. 342, §1, is amended to read:

1. Swans Island Lobster Conservation Area. The following territorial waters of the State in the vicinity of Swans Island are known as the Swans Island Lobster Conservation Area:

Beginning at the northern tip of Long Point, Marshall Island, Hancock County, Maine; then northerly to the navigational buoy at the western entrance to Toothacker Bay, located at ~~the intersection of Loran lines 9960 W 12492.0 and 9960 X 25800.0~~ 68°30.657' W. Longitude, 44°08.063' N. Latitude; then northeasterly to West Point, Swans Island, Hancock County, Maine; then from Phinney Point on the northeastern shore of Swans Island southeasterly to ~~the intersection of Loran lines 9960 W 12445.6 and 9960 X 25780.9,~~ 68°22.40' W. Longitude, 44°08.79' N. Latitude, Hancock County,

Maine; then southwesterly to ~~the intersection of Loran lines 9960 W 12468.0 and 9960 X 25773.0~~, 68°23.6' W. Longitude, 44°06.4' N. Latitude; then south-southwesterly to ~~the intersection of Loran lines 9960 W 12482.2 and 9960 X 25766.4~~, 68°24.01' W. Longitude, 44°04.8' N. Latitude; then southerly to ~~the intersection of Loran lines 9960 W 12493.5 and 9960 X 25758.4~~, 68°23.9' W. Longitude, 44°03.1' N. Latitude, and the intersection with the 3-nautical-mile line of the territorial waters, as shown on United States Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service, Office of Coast Survey Chart #13312; then southwesterly along the 3-nautical-mile line of the territorial waters approximately 3.5 miles to a point where a line drawn southeasterly 165° True from the center of Black Ledges intersects the 3-nautical-mile line of the territorial waters at ~~Loran lines 9960 W 12524.5 and 9960 X 25765.5~~, 68°28.6' W. Longitude, 44°01.9' N. Latitude; then northwesterly 345° True to the center of Black Ledges; then northwesterly to the most southerly point of Marshall Island; ~~thence then~~ along the westerly shore of Marshall Island to the point of beginning.

Sec. 9. 12 MRSA §6851-A, as amended by PL 2009, c. 213, Pt. G, §37, is repealed.

Sec. 10. 12 MRSA §6856, sub-§1, as amended by PL 2005, c. 508, §2, is further amended to read:

1. Shellfish sanitation certificate. A person may not undertake the processing, buying, selling, shipping, transporting or shucking of shellfish or whole scallops without a shellfish sanitation certificate unless authorized under section 6701 or 6702. The commissioner may issue a shellfish sanitation certificate to a wholesale seafood license holder, ~~a limited wholesale shellfish harvester's license holder~~ or a shellfish transportation license holder that authorizes the holder to undertake the activities expressly authorized therein, which may include buying and selling, shipping, transporting, shucking or other processing of shellfish or whole scallops. A wholesale seafood license, ~~limited wholesale shellfish harvester's license~~ or shellfish transportation license is also necessary to undertake the activities authorized under those licenses.

Sec. 11. 12 MRSA §6856, sub-§3-D, ¶A, as enacted by PL 2011, c. 175, §5, is amended to read:

A. Using the following general guidelines to identify whether pollution abatement activities are likely to succeed in a shellfish growing area, the commissioner may close a shellfish growing area pursuant to section 6172 for municipal pollution abatement activities.

(1) Pollution abatement activities are likely to succeed in shellfish growing areas affected by identified failing residential septic systems and other identified localized sources of human or animal fecal contamination when funding for abatement is available.

(2) Pollution abatement activities are not likely to succeed in shellfish growing areas affected by wastewater treatment plant outfall or other point sources of treated or partially treated sewage unless complete removal of pollution sources has been achieved.

(3) Abatement activities are not likely to succeed in shellfish growing areas affected by chronic nonpoint source contamination from rivers or streams.

At the request of the municipality, the commissioner may allow soft-shelled clam depuration harvesting in a shellfish growing area closed under this paragraph.