

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the sustainability of the harvesting practices used to harvest rockweed in Cobscook Bay has been questioned; and

Whereas, additional regulation of rockweed harvesting in Cobscook Bay is necessary to ensure the conservation and long-term health of rockweed in the bay; and

Whereas, this legislation must take effect immediately in order to apply to the harvest of rockweed in Cobscook Bay this spring; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 12 MRSA §6803-A is enacted to read:

§ 6803-A. Seaweed buyer's license

1. License required. A seaweed buyer's license is required for a person who purchases more than 10 wet tons annually directly from seaweed harvesters holding a permit under section 6803. A person may not engage in the activities authorized under this section without a current seaweed buyer's license.

2. Licensed activity. The holder of a seaweed buyer's license may buy, possess, ship, transport or sell seaweed.

3. Fees. The fee for a seaweed buyer's license is:

A. Two hundred dollars for a resident seaweed buyer's license; and

B. Five hundred dollars for a nonresident seaweed buyer's license.

4. Disposition of fees. Fees collected under this section accrue to the Seaweed Management Fund established in section 6806.

5. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged.

Sec. 2. 12 MRSA §6803-B is enacted to read:

§ 6803-B. Seaweed buyer's surcharge

A person licensed under section 6803-A shall pay an annual surcharge, which must be deposited in the Seaweed Management Fund established under section 6806. The commissioner shall establish the surcharge by rule, but the surcharge may not exceed \$5 per wet ton. The commissioner may refuse to renew a license under this Part or exclude a person from participating in harvest plans under section 6803-C, subsection 4 for failing to pay the surcharge under this section.

Sec. 3. 12 MRSA §6803-C is enacted to read:

§ 6803-C. Cobscook Bay Rockweed Management Area

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Cobscook Bay Rockweed Management Area" means the area of Cobscook Bay westward and within a line between the southernmost tip of Estes Head due east to the Canadian border and south along the border to the Franklin D. Roosevelt International Memorial Bridge.

B. "Rockweed" means *Ascophyllum nodosum*.

2. Designation of areas closed to harvesting. The commissioner shall identify areas within the Cobscook Bay Rockweed Management Area that are closed to the commercial harvest of rockweed, including, but not limited to, areas around public and private conservation areas, state parks and federally owned lands and lobster nursery areas. The commissioner shall identify and close to the commercial harvest of rockweed up to 30 acres within Cobscook Bay for the purpose of research.

3. Harvest management sectors. The commissioner shall divide the Cobscook Bay Rockweed Management Area into at least 14 harvest management sectors to:

A. Evenly distribute harvest effort;

B. Allow easy identification of the harvest management sectors from land or on the water; and

C. Facilitate enforcement.

The department shall post the harvest management sectors on the department's publicly accessible website with the coordinates of closed areas.

4. Harvest plan. Except as provided in section 6803, subsection 2, paragraph C, a person harvesting rockweed for commercial purposes shall participate in an annual harvest plan approved by the department.

5. Eligibility for harvest plan. To be eligible to submit an annual harvest plan to harvest rockweed within the Cobscook Bay Rockweed Management Area, a harvester or that harvester's representative must notify the commissioner of that person's intent to harvest within the area before January 1st of the proposed year of harvest.

6. Allocation of sectors. Prior to submitting an annual harvest plan, eligible harvesters or their representatives must meet as needed to allocate harvest management sectors.

7. Annual harvest plan. An annual harvest plan must include, but is not limited to, the following:

A. The name and telephone number of the person or entity responsible for the harvest management sector;

B. Identification of harvest management sectors proposed for harvest;

C. Total rockweed biomass contained in the harvest anagement sector based on a survey conducted within the previous 3 years;

D. The biomass amount proposed to be harvested;

E. A description of the methods of harvest;

F. A description of how marine organisms harvested with the rockweed will be managed; and

G. A description of harvester training.

8. Annual harvest plans. Eligible harvesters or their representatives shall submit their annual harvest plans to the commissioner no later than March 1st. The annual harvest plans must be made available to the public on that date.

9. Biomass harvest limit. The total biomass removed in a harvest management sector may not exceed 17% of the harvestable biomass that is eligible to be harvested annually. A harvester must report to the commissioner the total biomass removed by that harvester within a sector annually. Beginning January 1, 2010, the harvest report must be verified by an independent 3rd party.

10. Bycatch. A person harvesting rockweed must make a reasonable effort to remove marine organisms harvested with the rockweed from the harvested rockweed and return those marine organisms alive back into Cobscook Bay as soon as practicable.

11. Penalties. A person that violates this section commits a Class E crime for which a fine of not less than \$1,000 must be adjudged. Each day a person violates this section constitutes a separate violation.

Sec. 4. Report on seaweed research plan and on seaweed harvest activities. The Commissioner of Marine Resources shall report to the Joint Standing Committee on Marine Resources by January 15, 2010 the following:

1. Recommendations on a research plan for the seaweed resource in Cobscook Bay; and

2. A report on the 2009 seaweed harvest in Cobscook Bay that includes, but is not limited to, harvester compliance with regulations and the Quoddy Regional Land Trust voluntary no-harvest registry.

The Joint Standing Committee on Marine Resources may submit legislation to the Second Regular Session of the 124th Legislature regarding this report.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

SUMMARY

This amendment replaces the bill, changes the title and adds an emergency preamble and emergency clause. The amendment:

1. Creates a seaweed buyer license for a person who purchases more than 10 wet tons annually directly from seaweed harvesters who hold permits and allows the license holder to buy, possess, ship, transport and sell seaweed. The fee for the license is \$200 for a resident and \$500 for a nonresident. Fees collected accrue to the Seaweed Management Fund;

2. Creates a seaweed buyer's surcharge and directs the Commissioner of Marine Resources to establish the surcharge by rule, but it may not exceed \$5 per wet ton;

3. Creates the Cobscook Bay Rockweed Management Area and requires the Commissioner of Marine Resources to identify areas within the Cobscook Bay Rockweed Management Area that are closed to the commercial harvest of rockweed including, but not limited, to areas around public and private conservation areas, state parks and federally owned lands and lobster nursery areas;

4. Directs the Commissioner of Marine Resources to identify and close to the commercial harvest of rockweed up to 30 acres within Cobscook Bay for the purpose of research;

5. Requires the Commissioner of Marine Resources to divide the Cobscook Bay Rockweed Management Area into at least 14 harvest management sectors;

6. Requires commercial harvesters to submit an annual harvest plan to harvest rockweed within the Cobscook Bay Rockweed Management Area;

7. Provides that the total biomass that may be removed from a harvest management sector within the Cobscook Bay Management Area may not exceed 17% of the harvestable biomass that is eligible to be harvested annually. The amendment provides that a report of the total biomass removed must be submitted by the harvester to the commissioner, and that after January 1, 2010 the harvester's report must be verified by a 3rd party;

8. Requires a person who harvests rockweed to make a reasonable effort to remove marine organisms harvested with the rockweed from the harvested seaweed and return those marine organisms alive back into Cobscook Bay as soon as practicable;

9. Makes violations of prohibitions related to the Cobscook Bay Management Area a Class E crime for which a fine of not less than \$1,000 must be adjudged and provides that each day a violation occurs it constitutes a separate violation; and

10. Directs the commissioner to report to the Joint Standing Committee on Marine Resources by January 15, 2010 recommendations for a seaweed research plan for Cobscook Bay and on the 2009 seaweed harvest in Cobscook Bay. It gives that committee the authority to submit legislation to the Second Regular Session of the 124th Legislature regarding the report.