

§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. [PL 2009, c. 283, §3 (NEW).]

B. "Rockweed" means *Ascophyllum nodosum*. [PL 2009, c. 283, §3 (NEW).]
[PL 2009, c. 283, §3 (NEW).]

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. [PL 2009, c. 283, §3 (NEW).]

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; [PL 2009, c. 283, §3 (NEW).]

B. Allow easy identification of the harvest management sectors from land or on the water; and [PL 2009, c. 283, §3 (NEW).]

C. Facilitate enforcement. [PL 2009, c. 283, §3 (NEW).]

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

[PL 2009, c. 283, §3 (NEW).]

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.

[PL 2009, c. 283, §3 (NEW).]

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.

[PL 2009, c. 283, §3 (NEW).]

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.

[PL 2009, c. 283, §3 (NEW).]

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; [PL 2009, c. 283, §3 (NEW).]

B. Identification of harvest management sectors proposed for harvest; [PL 2009, c. 283, §3 (NEW).]

C. Total rockweed biomass contained in the harvest management sector based on a survey conducted within the previous 3 years; [PL 2009, c. 283, §3 (NEW).]

D. The biomass amount proposed to be harvested; [PL 2009, c. 283, §3 (NEW).]

E. A description of the methods of harvest; [PL 2009, c. 283, §3 (NEW).]

F. A description of how marine organisms harvested with the rockweed will be managed; and [PL 2009, c. 283, §3 (NEW).]

G. A description of harvester training. [PL 2009, c. 283, §3 (NEW).]
[PL 2009, c. 283, §3 (NEW).]

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.
[PL 2009, c. 283, §3 (NEW).]

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.
[PL 2009, c. 283, §3 (NEW).]

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.
[PL 2009, c. 283, §3 (NEW).]

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.
[PL 2009, c. 283, §3 (NEW).]

SECTION HISTORY

PL 2009, c. 283, §3 (NEW).

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