

§6749-D. Vessel limitation

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

A. "Family member" means a spouse, sibling, child's spouse, parent by blood, parent by adoption, spouse's parent, child by blood, child by adoption, stepchild, stepparent, grandchild or grandparent. [RR 2021, c. 2, Pt. B, §62 (COR).]

B. "Owner" means:

(1) An individual who is the owner of a vessel registered under chapter 935 or the owner of a vessel documented under 46 Code of Federal Regulations, Part 67;

(2) The person who owns the highest percentage of a partnership, corporation or other entity that is the owner of a vessel registered under chapter 935 or a vessel documented under 46 Code of Federal Regulations, Part 67; or

(3) When 2 or more people own in equal proportion the highest percentages of a partnership, corporation or other entity that owns a vessel registered under chapter 935 or a vessel documented under 46 Code of Federal Regulations, Part 67, one of the highest percentage owners as designated by the owners of that partnership, corporation or other entity. [PL 2017, c. 222, §5 (NEW).]

[RR 2021, c. 2, Pt. B, §62 (COR).]

2. Owner or family member on board. Beginning January 1, 2018, except as provided in subsection 3, a vessel may not be used for dragging for sea urchins in the State's territorial waters unless that vessel is owned by a person holding a sea urchin dragging license issued under section 6748-A and:

A. The owner of that vessel is present on that vessel and has that vessel named on the owner's sea urchin dragging license; or [PL 2017, c. 222, §5 (NEW).]

B. A family member of the vessel owner holds a sea urchin dragging license issued under section 6748-A and is present on that vessel. [PL 2017, c. 222, §5 (NEW).]

[PL 2017, c. 222, §5 (NEW).]

3. Exemptions; individuals. Beginning January 1, 2018, the commissioner may authorize a person to drag for sea urchins from a vessel when an owner or family member is not on board pursuant to subsection 2 if that person holds a sea urchin dragging license issued under section 6748-A and:

A. The owner of that vessel holds a sea urchin dragging license issued under section 6748-A, documents to the commissioner that an illness or disability temporarily prevents that owner from fishing for or taking sea urchins from that vessel and requests in writing to the commissioner that the commissioner authorize that person to use that vessel to fish for or take sea urchins; [PL 2017, c. 222, §5 (NEW).]

B. Is the owner of a vessel that has become temporarily inoperable because of an accident or a mechanical failure and requests in writing permission from the commissioner to use that vessel to fish for or take sea urchins; or [PL 2017, c. 222, §5 (NEW).]

C. Was the owner of a vessel that was named on that person's sea urchin dragging license but is no longer the owner of that vessel due to sale or foreclosure. The person must demonstrate immediate intent to become the owner of another vessel to be used to fish for or take sea urchins and request in writing permission from the commissioner to use the other vessel to fish for or take sea urchins for a limited period of time. [PL 2017, c. 222, §5 (NEW).]

[PL 2017, c. 222, §5 (NEW).]

4. Exemptions based upon 2017 fishing. Beginning January 1, 2018, a person may drag for sea urchins from a vessel when an owner or family member is not on board pursuant to subsection 2 during the first sea urchin dragging season that begins after August 31, 2017 if that person holds a sea urchin dragging license issued under section 6748-A and:

A. The person recorded landings of sea urchins taken by dragging during the sea urchin dragging season that ended immediately prior to August 31, 2017, dragged for those sea urchins from one boat and that boat did not have on board an individual who meets the requirements of subsection 2, paragraph A or B and the owner of the boat was a family member of the person applying for the exemption under this paragraph. A person qualifies for the exemption under this paragraph only as long as the person drags for sea urchins and records landings of sea urchins taken by dragging from the same boat used to originally qualify for this exemption and that boat is owned by the same family member; or [PL 2017, c. 222, §5 (NEW).]

B. [PL 2017, c. 222, §5 (NEW); MRSA T. 12 §6749-D, sub-§4, ¶B (RP).]
[PL 2017, c. 222, §5 (NEW).]

5. Rules. The commissioner may adopt rules to implement and administer this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 222, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 222, §5 (NEW). RR 2021, c. 2, Pt. B, §62 (COR).

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