

§6720. 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, §61 (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, §2 (NEW).]

[RR 2021, c. 2, Pt. B, §61 (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 scallops in the State's territorial waters unless that vessel is owned by a person holding a scallop dragging license issued under section 6702 and:

A. The owner of that vessel is present on that vessel and has that vessel named on the owner's scallop dragging license; or [PL 2017, c. 222, §2 (NEW).]

B. A family member of the vessel owner holds a scallop dragging license issued under section 6702 and is present on that vessel. [PL 2017, c. 222, §2 (NEW).]

[PL 2017, c. 222, §2 (NEW).]

3. Exemptions; individuals. Beginning January 1, 2018, the commissioner may authorize a person to drag for scallops from a vessel when an owner or family member is not on board pursuant to subsection 2 if that person holds a scallop dragging license issued under section 6702 and:

A. The owner of that vessel holds a scallop dragging license issued under section 6702, documents to the commissioner that an illness or disability temporarily prevents that owner from fishing for or taking scallops 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 scallops; [PL 2017, c. 222, §2 (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 scallops; [PL 2017, c. 222, §2 (NEW).]

C. Was the owner of a vessel that was named on that person's scallop 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 scallops and request in writing permission from the commissioner to use the other vessel to fish for or take scallops for a limited period of time; or [PL 2017, c. 222, §2 (NEW).]

D. The person recorded landings of scallops taken by dragging during the scallop dragging season that ended immediately prior to November 30, 2017, dragged for those scallops 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. [PL 2017, c. 222, §2 (NEW).]
[PL 2017, c. 222, §2 (NEW).]

4. Exemptions based upon 2017 fishing. Beginning January 1, 2018, a person may drag for scallops from a vessel when an owner or family member is not on board pursuant to subsection 2 during the first scallop dragging season that begins after November 30, 2017 pursuant to section 6722 if that person holds a scallop dragging license issued under section 6702 and:

A. The person recorded landings of scallops taken by dragging during the scallop dragging season that ended immediately prior to November 30, 2017 pursuant to section 6722, dragged for those scallops 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 scallops and records landings of scallops 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, §2 (NEW).]

B. [PL 2017, c. 222, §2 (NEW); MRSA T. 12 §6720, sub-§4, ¶B (RP).]
[PL 2017, c. 222, §2 (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, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 222, §2 (NEW). RR 2021, c. 2, Pt. B, §61 (COR).

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