

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1954

H.P. 1454

House of Representatives, April 1, 2004

An Act To Create a Nonresident Lobster and Crab Fishing License

Reference to the Committee on Marine Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BULL of Freeport. (GOVERNOR'S BILL)

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 12 MRSA §6421, sub-§5**, as corrected by RR 2001, c. 2,
Pt. A, §§14 and 15, is amended to read:

6 **5. Eligibility.** A ~~Class--I,--Class--II,--Class--III,~~
7 ~~apprentice,~~ noncommercial or student lobster and crab fishing
8 license may only be issued to an individual who is a resident. A
9 Class I, Class II or Class III license may be issued to a person
10 only if the person:

12 A. Possessed a Class I, Class II or Class III lobster and
13 crab fishing license in the previous calendar year;

14 C. Meets the requirements of the apprentice program under
15 section 6422 or section 6475; or

16 D. Did not possess a Class I, Class II or Class III lobster
17 and crab fishing license in the previous calendar year
18 because the commissioner had suspended the person's license
19 privileges for a length of time that included the previous
20 calendar year.
21

22 **Sec. 2. 12 MRSA §6421, sub-§7-A**, as amended by PL 2003, c. 20,
23 Pt. WW, §2, is further amended to read:

24 **7-A. Fee.** Except as provided in subsection 8, the fee for
25 the license is:

26 A. Fifty-six dollars for a resident Class I license for
27 applicants under 18 years of age;

28 A-1. Three hundred thirty-six dollars for a nonresident
29 Class I license for applicants under 18 years of age;

30 B. One hundred ~~and~~ thirteen dollars and seventy-five cents
31 for a resident Class I license for applicants 18 years of
32 age or older;

33 B-1. Six hundred eighty-two dollars and seventy-five cents
34 for a nonresident Class I license for applicants 18 years of
35 age or older;

36 C. Two hundred twenty-eight dollars and fifty cents for a
37 resident Class II license;

38 C-1. Thirteen hundred seventy-one dollars and fifty cents
39 for a nonresident Class II license;
40

2 D. Three hundred forty-one dollars and twenty-five cents
for a resident Class III license;

4 D-1. Two thousand forty-seven dollars and twenty-five cents
for a nonresident Class III license;

6 E. Fifty-six dollars for an a resident apprentice lobster
8 and crab fishing license for applicants under 18 years of
age;

10 E-1. Three hundred thirty-six dollars for a nonresident
12 apprentice lobster and crab fishing license for applicants
under 18 years of age;

14 F. One hundred and fourteen dollars for an a resident
16 apprentice lobster and crab fishing license for applicants
18 18 years of age or older;

20 F-1. Six hundred eighty-two dollars for a nonresident
apprentice lobster and crab fishing license for applicants
18 years of age or older;

22 G. Fifty-six dollars for a student lobster and crab fishing
24 license; and

26 H. Fifty-six dollars for a noncommercial lobster and crab
28 fishing license.

30 **Sec. 3. 12 MRSA §6451, sub-§1**, as amended by PL 2003, c. 20,
Pt. WW, §5, is further amended to read:

32 **1. Allocation of license fees.** Ten dollars of each \$113.75
34 fee, \$20 of each \$228.50 fee, \$30 of each \$341.25 fee, \$30 of
each \$336 fee, \$60 of each \$682.75 fee, \$120 of each \$1,371.50
36 fee, \$180 of each \$2,047.25 fee and \$5 of each \$56 fee for each
38 lobster and crab fishing license must be allocated to the Lobster
Fund, which must be used for the purposes of lobster biology
40 research, of propagation of lobsters by liberating seed lobsters
and female lobsters in Maine coastal waters and of establishing
and supporting lobster hatcheries.

42 SUMMARY

44 This bill is submitted by the Governor and the Department of
46 Marine Resources in response to the September 30, 2003 decision
by the United States Court of Appeals for the Second Circuit in
48 the case Volovar v. Cahill, et al. The Second Circuit's decision
in this case found New York State's nonresident lobster law in
50 violation of the Privileges and Immunities Clause of Article IV
of the United States Constitution. In order to address the

2 constitutional issues raised by the Volovar decision, this
bill creates a commercial lobster and crab fishing license in the
State that would be available to individuals who are not
4 residents of the State. These individuals would be eligible to
become commercial lobstermen and fish in the waters of the State
6 in the same manner as new entrants into the lobster fishery who
are residents of this State.