MAINE STATE LEGISLATURE

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2	DATE: 5.10.05	(Filing No. S-153						
4	8 10:03	(
6	MARINE RESOURCES							
8	Reported by:							
10	Reproduced and distributed u of the Senate.	ander the direction of the Secretary						
12	STAT	TE OF MAINE						
14	SENATE 122ND LEGISLATURE							
16	FIRST SI	PECIAL SESSION						
18	COMMITTEE AMENDMENT "	to S.P. 303, L.D. 895, Bill, "An						
20		of Maine's Lobster Management Policy						
22	Amend the hill by striki	ing out everything after the enacting						
24	-	ary and inserting in its place the						
26	'Sec. 1. 12 MRSA 86446. si	<pre>ub-§2, as repealed and replaced by PL</pre>						
28	1995, c. 568, §4, is amended	to read:						
30		ne commissioner may adopt rules for a ction 1 that place-limits-on-lebster						
32	_	ders-whe-fish-in-that-zone-regarding -fished-and-the-time-periods-allowed						
34	forcomplyingwith-thatnu	umber,thenumberoflobstertraps time-of-day-whenlobsterfishing-may						
36	eeeur are proposed pursuant	to section 6447, subsection 5 or						
38	the lobster management polic	only when the rules were proposed by cy council established for that zone subsection 1 and the proposed rules						
40	were approved in a refer	rendum pursuant to section 6447, ner may accept the rules proposed by						
42	a lobster management policy of	council as reasonable and adopt those l's proposed rules as unreasonable.						
44	The rules adopted under this	subsection by the commissioner must t of the rules proposed by a lobster						

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management policy council but are not required to be a verbatim

rendition of the proposed rules.

466, §4, is repealed.



466,	44	12 MRSA repealed.	§6446, sub-§2-B,	as	enacted	by	PL	2003,	c.
	Sec. 3.	12 MRSA	§6447, sub-§5-B,	as	enacted	bv	PL	2003,	c.

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Sec. 4. 12 MRSA §6447, sub-§5-C is enacted to read:

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5-C. Apprentice program rules. Notwithstanding any other provision of this subchapter, upon approval in a referendum under subsection 6, a lobster management policy council may propose to the commissioner rules for a zone that do any of the following:

14 16 A. Increase the minimum length of time an apprentice must be enrolled in the apprentice program beyond the period established in section 6422, subsection 2. The minimum enrollment period may not exceed 5 years.

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B. Require a sponsor of an apprentice to have held a Class I. Class II or Class III lobster and crab fishing license for at least 5 years; and

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C. Require a person to complete all requirements of the apprentice program in a specific zone in order to enter that zone as a Class I. Class II or Class III lobster and crab fishing license holder. A rule proposed under this paragraph and adopted under section 6446, subsection 2 may not be applied to those portions of the apprentice program requirements a person has completed prior to the effective date of the rule.

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A rule proposed under paragraph A or B and adopted by the commissioner under section 6446, subsection 2 does not apply to persons who are enrolled in the apprentice program on the date the rule takes effect.

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Sec. 5. Retroactivity. That portion of this Act that enacts the Maine Revised Statutes, Title 12, section 6447, subsection 5-C applies retroactively to January 1, 2005.'

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SUMMARY

This amendment replaces the bill. The amendment retains the substance of the bill to allow lobster management policy councils the authority to propose zone-specific rules to increase the enrollment period of the apprenticeship program, to require a sponsor to have held a lobster license for at least 5 years and to limit entry to a zone to persons who have apprenticed in the zone. The amendment adds a provision to make this authority

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apply retroactively to January 1, 2005. The amendment clarifies the application of rules for apprentices who are enrolled in the program when the rule takes effect. The amendment makes several technical changes to account for existing provisions of law.

FISCAL NOTE REQUIRED (See attached)

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122nd MAINE LEGISLATURE

LD 895

LR 1987(02)

An Act To Expand the Authority of Maine's Lobster Management Policy Councils

Fiscal Note for Bill as Amended by Committee Amendment Accommittee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund