

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1134

S. P. 367

In Senate, February 12, 1965

Referred to Committee on Sea and Shore Fisheries. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Jutras of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

**AN ACT to Provide Special Lobster and Crab Licenses in York County and to
Establish a Lobster Fund for York County.**

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

Sec. 1. R. S., T. 12, § 4404, sub-§ 2, ¶ A, additional. Subsection 2 of section 4404 of Title 12 of the Revised Statutes is amended by adding a new paragraph A, to read as follows:

'A. The license provided in this section does not entitle the holder to fish for, take or catch any lobsters or crabs in any manner from the coastal waters of York County.'

Sec. 2. R. S., T. 12, § 4405, additional. Title 12 of the Revised Statutes is amended by adding a new section 4405 to read as follows:

§ 4405. Lobster and crab fishing inclusive of York County

It is unlawful for any person to fish for, take or catch any lobsters or crabs in any manner from the coastal waters of York County without having a current written license as provided in this section.

1. **Exception for crabs for home consumption.** This section does not apply to the taking or catching of crabs with bare hands, or with hook and line, that may be found along the shore, under rocks or in pools left by the receding tides, provided they are used for home consumption by the taker, and are not sold.

2. **License designation; general scope.** The license, designated as a York County lobster and crab fishing license, entitles the holder to take lobsters and crabs anywhere in the State, including York County, when and where it is other-

wise lawful to take them and the holder has all the powers and privileges granted to the holders of the lobster and crab fishing licenses issued under section 4404.

3. Scope of license for transportation; license to be exhibited. The license entitles the holder to transport lobsters and crabs within the limits of the State, provided he keeps his license upon his person while so transporting lobsters or crabs, and provided he exhibits the license while so engaged on request of a coastal warden.

4. Residence requirements. A person who has been a legal resident of the State for at least 3 years next prior to the date of his application may apply to the commissioner for a York County lobster and crab fishing license.

A. Any person who was previously a legal resident of this State and has re-established his legal residence here for a period of one year next preceding his application may count the time of his nonresidence as part of his 3-year period.

B. A veteran of World War II or the Korean War who is honorably discharged, honorably separated or retired from active service in the armed forces may apply for a license if he has been a legal resident of this State for at least one year at any time prior to the date of his application, and is a legal resident of this State at the time of his application.

5. License fee. The fee for a York County lobster and crab fishing license is \$50 which the applicant shall enclose with his application, except if the applicant is 65 years of age or older at the time of his application, the fee is \$10. An applicant who is 65 or older may, however, elect to pay the \$50 fee and thus have authority to use an unlicensed helper as set forth in subsection 8.

6. State lobster fund. Five dollars of the license fee received from each license for York County lobster and crab fishing licenses shall be allocated to the Lobster Fund, as provided in section 4404.

7. York County Lobster Fund. Forty dollars of the license fee received from each \$50 license fee for York County lobster and crab fishing licenses shall be allocated to the York County Lobster Fund established by this subsection.

A. The commissioner may expend any and all of the money in the York County Lobster Fund from time to time for the investigation, protection or conservation of lobsters or the lobster industry in York County.

B. The York County Lobster Fund does not lapse. Fees so collected or allocated in any one year may be used in the same or any succeeding year.

8. Fifty dollar licensee entitled to use one unlicensed helper; qualifications of helper. The holder of a current York County lobster and crab fishing license, who has paid \$50 for that license, is entitled to use one helper who need not be licensed under this section to assist the holder of the license while the holder is fishing for lobsters or crabs in York County.

A. It is unlawful for any unlicensed helper to assist the holder of the license authorized by this section to fish for lobsters or crabs in York County unless that helper is qualified to obtain that license at the time he assists the holder.

B. It is unlawful for the holder of the \$50 license authorized by this section to do any of the following:

(1) To use more than one helper at any one time who does not hold a current license authorized by this section to fish for lobsters or crabs in York County.

(2) To use any helper at any time who does not hold and is not qualified to obtain the license authorized by this section.

9. Certain persons considered as fishing. Any person assisting or helping another in lobster or crab fishing in York County either by operating the boat or in attending to lobster or crab traps or pots, is considered as fishing and must have a current York County lobster and crab fishing license or be a qualified unlicensed helper as provided in this section.

10. General licensing provisions apply. Section 3751 applies to the licenses authorized by this section.'

Sec. 3. Effective date. This Act becomes effective January 1, 1966.