

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1753

H. P. 1329

House of Representatives, April 2, 1973

Referred to the Committee on Marine Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Bunker of Gouldsboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Various Aspects of the Lobster Fisheries.

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

Sec. 1. R. S., T. 12, § 4401, sub-§ 4, §§ A and B, amended. Paragraph A, as amended by section 11 of chapter 337 of the public laws of 1967 and paragraph B of subsection 4 of section 4401 of Title 12 of the Revised Statutes are amended to read as follows:

A. The commissioner shall cause such lobsters, before being liberated, to be marked by cutting a V-notch in ~~the middle flipper of their tails~~ **the 2 tail flippers adjacent to the middle flipper.**

B. It is unlawful for any person to have in his possession any female lobster marked with a V-notch in ~~the middle any~~ flipper of its tail, and any female lobster which is mutilated in such a manner to hide or obliterate such mark.

Sec. 2. R. S., T. 12, § 4401, sub-§ 6, amended. Subsection 6 of section 4401 of Title 12 of the Revised Statutes is amended to read as follows:

6. Prima facie evidence. The fact that a lobster has a V-notch in ~~the middle any~~ flipper of its tail, or has a mutilated ~~middle~~ flipper of its tail, is prima facie evidence that the lobster is a female lobster.

Sec. 3. R. S., T. 12, § 4404, sub-§ 4-A, additional. Section 4404 of Title 12 of the Revised Statutes, as amended by section 2 of chapter 67 of the public laws of 1967, is further amended by adding a new subsection 4-A, to read as follows:

4-A. Vessel designation. An applicant for a Class A or B lobster and crab fishing license shall designate on his application the number assigned by the Bureau of Watercraft Registration and Safety to the vessel on board which he intends to exercise the privileges conferred by such license. The commissioner shall enter such number so designated by the applicant on the license when issued. The commissioner shall not issue a Class A or B lobster and crab fishing license to any applicant if such applicant has designated in his application the number of a vessel which has already been entered on another license.

Sec. 4. R. S., T. 12, § 4404, sub-§ 5, repealed and replaced. Subsection 5 of section 4404 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

5. License fees. The fee for all classes of lobster and crab fishing licenses shall be \$10, to be tendered with the application for such license. In the event that the revenue derived from such license fees in any fiscal year is less than \$80,000, the commissioner is authorized to impose a pro rata assessment on all Class A licensees at the end of such fiscal year sufficient to raise a sum equivalent to the difference between \$80,000 and the revenue actually derived during the fiscal year. The commissioner shall not renew the license of any Class A licensee so assessed until such licensee shall pay his share of such assessment.

Sec. 5. R. S., T. 12, § 4404, sub-§ 7, repealed and replaced. Subsection 7 of section 4404 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

7. Licenses. There shall be 3 classes of licenses issuable pursuant to this section. No more than one class of license shall be issued to any one person. The classes of licenses shall be as follows:

A. Class A licenses. Any person meeting the requirements of subsection 4 who executes and delivers to the commissioner an affidavit that during such period he derived 75% of his gross taxable income from all types of fishing in the coastal waters of the State may apply for a Class A license. After January 1, 1978, applicants for a Class A license must submit evidence of having held a Class B license for 4 years.

B. Class B licenses. Any person meeting the requirements of subsection 4, who has not previously been a fisherman, and who executes and delivers to the commissioner an affidavit that he intends to earn 75% of his gross taxable income from all types of fishing in the state's coastal waters, may apply for a Class B license. A Class B license shall be renewable for 3 years from date of issuance and, at the end of 4 years, shall entitle the licensee to apply for a Class A license.

C. Class C license. Any person meeting the requirements of subsection 4 may apply for a Class C license.

Sec. 6. Effective date. Sections 4 and 5 of this Act shall become effective January 1, 1974.

Sec. 7. Number of licenses issued. The number of each class of license issued in 1975 and thereafter shall not exceed the number issued for each class of license in 1974.

Sec. 8. R. S., T. 12, § 4404, sub-§ 9, additional. Section 4404 of Title 12 of the Revised Statutes, as amended by section 2 of chapter 67 of the public laws of 1967, is further amended by adding a new subsection 9, to read as follows:

9. Donation of certain female lobsters as condition for license renewal. Each holder of a Class A lobster and crab fishing license shall donate 25 female lobsters to the commissioner during each calendar year as a condition precedent to renewal of such license. Each holder of a Class B lobster and crab fishing license shall donate 5 female lobsters to the commissioner during each calendar year as a condition precedent to the renewal of such license or the issuance of a Class A license. Each female lobster so donated shall measure not less than $3\frac{5}{8}$ inches in length as measured by the state double gauge lobster measure by measuring from the rear of the eye socket along a line parallel to the center line of the body to the rear end of the body shell.

Delivery of such female lobsters shall be made to any coastal warden who shall issue the donor a receipt therefor, notch and liberate the lobsters in accordance with section 4401 as amended. The donor shall furnish such receipts to the department when applying for a lobster and crab fishing license.

Sec. 9. R. S., T. 12, § 4453-A, additional. Title 12 of the Revised Statutes is amended by adding a new section 4453-A, to read as follows:

§ 4453-A. Lobster traps or pots; design

It is unlawful to sell, expose for sale or have in possession any lobster trap or pot whose bottom lath is not $1\frac{3}{4}$ inch from the sill to permit the escape of lobsters less than the minimum legal length established by section 4451.

Sec. 10. R. S., T. 12, § 4467, additional. Title 12 of the Revised Statutes is amended by adding a new section 4467 to read as follows:

§ 4467. Vessel limitations

No person shall fish for lobsters or crabs from any vessel other than the vessel whose number, assigned by the Bureau of Watercraft Registration and Safety, appears on his Class A or B lobster and crab fishing license.

Sec. 11. R. S., T. 12, § 4468, additional. Title 12 of the Revised Statutes is amended by adding a new section 4468 to read as follows:

§ 4468. Trap limitations

1. Any holder of a Class A lobster and crab fishing license, who executes and delivers to the commissioner an affidavit that a certain vessel is owned by and registered to him, may apply to the commissioner for 500 lobster or crab trap tags for the calendar year 1974, 400 tags for the calendar year 1975 and 300 tags for the calendar year 1976. Such tags will bear the Class A license number of the applicant, and must be affixed to the traps on the right hand end of either sill. Tagged traps may be tended only from the vessel bearing

those registration numbers submitted on the affidavit of registration which, according to section 4404, subsection 4-A, will also appear on the fishing license.

2. Any holder of a Class B lobster or crab fishing license, who will furnish the commissioner with an affidavit of intent to enter the lobster or crab fishing profession as an apprentice, may apply for 150 trap tags.

3. Exceptions to subsections 1 and 2 can be granted only by the commissioner.

Sec. 12. R. S., T. 12, § 4469, additional. Title 12 of the Revised Statutes is amended by adding a new section 4469 to read as follows:

§ 4469. Fishing in excess of license limitations

It is unlawful for a Class A licensee to fish more than 500 lobster or crab traps at any one time. It is unlawful for a Class B licensee to fish more than 150 such traps at any one time. It is unlawful for a Class C licensee to fish any such traps of his own. It is unlawful to fish traps without tags.

Any person convicted of violating this section shall be punished by a fine of not less than \$500 plus \$20 per trap in excess of the limit allowable, but not more than \$1,000, or by imprisonment for not more than 90 days.

Sec. 13. Trap inspection program. It is the intent of the Legislature that the Commissioner of Sea and Shore Fisheries develop, after consultation with the holders of lobster and crab fishing licenses, a system of annual onshore inspection by the Department of Sea and Shore Fisheries of the traps of all such licensees, in order to determine compliance with section 12 of this Act. It is the further intent of the Legislature that the commissioner develop legislation whereby the issuance of a lobster and crab fishing license shall be implied as consent by the licensee to such inspection. The commissioner is directed to hold such consultations and prepare appropriate legislation and present the same to the next special session of the 106th Legislature, or if none, to the 107th Legislature.

STATEMENT OF FACT

This bill restructures lobster fishing licensing, provides trap limitations, raises the penalties for violation of the lobster fishing laws, changes one method of marking female lobsters and sets standards for lobster trap construction.