

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2031

H. P. 1614

House of Representatives, June 13, 1973

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E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Conserve, Manage and Regulate the Lobster Fishery.

Preamble. Whereas, the People of the State of Maine are extremely proud of the reputation the State has as the largest lobster producing state; and

Whereas, the lobster has been an intricate part of what has made Maine famous and unique; and

Whereas, the lobster catch is of vital importance to the economy of coastal communities; and

Whereas, the pressures of overfishing have placed the continued existence of the lobster in question; and

Whereas, no proper conservation and management techniques have been introduced to protect these fisheries; and

Whereas, the demand for Maine lobster all over the world is increasing rapidly, thereby creating greater economic pressure to deplete the resource; and

Therefore, the Legislature of the State of Maine finds and declares the commercial business of lobster fishing to be of vital economic importance to the State and urges all appropriate actions to be taken forthwith to conserve, manage and regulate the lobster fishing in order to insure its continued existence.

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

Sec. 1. R. S., T. 12, § 3751, sub-§ 3, amended. Subsection 3 of section 3751 of Title 12 of the Revised Statutes is amended to read as follows:

3. **Expiration of licenses and permits.** A license or permit expires at midnight on December 31st of the calendar year in which issued, **except that a lobster and crab fishing license shall expire at midnight on June 30th of the following calendar year.**

Sec. 2. R. S., T. 12, § 3751, sub-§ 4, amended. Subsection 4 of section 3751 of Title 12 of the Revised Statutes is amended to read as follows:

4. **One-half fee after September 30th.** The fee for any license or permit issued after September 30th of each calendar year is $\frac{1}{2}$ the original fee, **except that the fee for any lobster or crab fishing license between March 31st and June 30th of each calendar year is $\frac{1}{2}$ the original fee.**

Sec. 3. R. S., T. 12, § 4404, amended. The first paragraph of section 4404 of Title 12 of the Revised Statutes is amended to read as follows:

It is unlawful for any person to fish for, take or catch any lobsters or crabs in any manner without having a ~~current written license~~ **boat currently licensed** as provided in this section, **notwithstanding that the owner of a currently licensed lobster and crab fishing boat, who is the operator, may take a helper without having such helper licensed. The operator of a boat may haul only traps licensed to that boat. The commissioner shall be empowered to allow a boat to haul traps not licensed to it when circumstances prohibit the appropriately licensed boat from hauling its traps.**

Sec. 4. R. S., T. 12, § 4404, sub-§ 2, amended. Subsection 2 of section 4404 of Title 12 of the Revised Statutes is amended to read as follows:

2. **Commercial lobster and crab fishing license designation; general scope.** The license, designated as a lobster and crab fishing license, entitles the holder to operate a boat and traps to take lobsters and crabs when and where it is otherwise lawful to take them. **The applicant shall specify on his application the registration number of the motorboat from which he shall fish as issued by the Bureau of Watercraft Registration and Safety or documentation number as issued by the United States Government.**

Sec. 5. R. S., T. 12, § 4404, sub-§ 2, ¶¶ A and B, additional. Subsection 2 of section 4404 of Title 12 of the Revised Statutes is amended by adding 2 new paragraphs A and B to read as follows:

A. In order to qualify for a commercial lobster and crab fishing license, the applicant must submit annually to the Commissioner of Sea and Shore Fisheries with his application written proof that a minimum of 50% of the applicant's earned taxable income in the previous calendar year was derived solely from harvesting renewable marine resources. The commissioner is directed to promulgate a regulation defining written proof. In unusual circumstances, when an applicant fails to meet the above criteria, he may petition the commissioner for an exception. When an applicant presents unusual circumstances for not earning 50% of his earned taxable income, which would lead the commissioner to believe that failure to renew a commercial lobster and crab fishing license would create an undue and unfair economic hardship upon the applicant, the commissioner with

the advice and consent of the Sea and Shore Fisheries Advisory Council may issue a commercial lobster and crab fishing license in such a case.

B. It shall be unlawful for the operator of any boat, which is licensed as a commercial lobster and crab fishing boat, to set, have in the water or fish more than 600 traps at any time, regardless of where the traps are set.

Sec. 6. R. S., T. 12, § 4404, sub-§ 2-A, additional. Section 4404 of Title 12 of the Revised Statutes is amended by adding a new subsection 2-A, to read as follows:

2-A. Apprentice lobster and crab fishing license designation; general scope. In order to provide controlled entry into the lobster industry and to insure continuation of proper methods of lobstering and conservation, an apprenticeship program is hereby established. This program will be open to all persons 16 years and older. An apprentice must obtain consent of 2 commercial licensed master lobstermen who shall agree to oversee, direct and teach the sponsored apprentice for a period totaling 12 months. An apprentice may count toward the total requirement of his apprenticeship tenure a total of 6 months that he has lobstered under a student license. An apprentice may fulfill his apprenticeship by working as a stern man or fishing his own boat with traps. The license designated as an apprentice license entitles the holder to set, have in the water or fish not more than 200 traps at a time, regardless of where they are set. If an apprentice elects to serve as a stern man, this does not allow the boat to fish any additional traps other than those authorized under the appropriate license.

A. The only qualification for a commercial licensed master lobsterman is that he must have lobstered for 10 years before he may sponsor an apprentice. At the end of the apprenticeship, the apprentice shall obtain from the 2 commercial licensed master lobstermen who accepted responsibility for his apprenticeship training, written letters affirming their observation and recommending the apprentice for a commercial license. After June 1, 1975, successful completion of the apprenticeship program will be a prerequisite to application and holding of a commercial lobster and crab fishing license.

Sec. 7. R. S., T. 12, § 4404, sub-§ 2-B, additional. Section 4404 of Title 12 of the Revised Statutes is amended by adding a new subsection 2-B to read as follows:

2-B. Student lobster and crab fishing license designation; general scope. Any person who is a full-time registered student at any accredited institution of learning, who meets the residency requirements as established in subsection 4 of this section, may apply to the commissioner for a lobster and crab fishing license. The license designated as a student license entitles the holder to set, have in the water or fish not more than 100 traps at a time, regardless of where traps are set.

Sec. 8. R. S., T. 12, § 4404, sub-§ 2-C, additional. Section 4404 of Title 12 of the Revised Statutes is amended by adding a new subsection 2-C to read as follows:

2-C. Retirement lobster and crab fishing license designation; general scope. Any person who holds a commercial lobster and crab fishing license as established by subsection 2 may apply to the commissioner for a retirement license. Retirement licenses may be issued to a holder of a commercial lobster and crab fishing license after that person has attained the age of 55 years and who has held a commercial license or its equivalent for a minimum of 10 years. A retirement lobster and crab fishing license entitles the holder to operate a boat engaged in lobster fishing as outlined in subsection 2 of this section, except that no person holding a retirement license shall set, have in the water or fish more than 200 traps at a time.

Sec. 9. R. S., T. 12, § 4404, sub-§ 2-D, additional. Section 4404 of Title 12 of the Revised Statutes is amended by adding a new subsection 2-D to read as follows:

2-D. Sport lobster and crab fishing license designation; general scope. Any person who does not qualify for a commercial, apprentice, student or retirement license, but who meets the residency requirements as established in subsection 4 of this section, may apply to the commissioner for a lobster and crab fishing license. The license designated as a sport license entitles the holder to set, have in the water or fish not more than 25 traps.

Sec. 10. 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 fees to license lobster and crab fishing boats in each category shall be:

- A. Commercial license — \$25;
- B. Apprentice license — \$25;
- C. Student license — \$15;
- D. Retirement license — \$10;
- E. Sport license — \$25.

Sec. 11. R. S., T. 12, § 4404, sub-§ 6, repealed and replaced. Subsection 6 of section 4404 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

6. Lobster Conservation Fund. All revenues received from lobster and crab fishing license fees shall be allocated to the Lobster Conservation Fund, which does not lapse. Fees so collected or allocated in any one year may be used in the same or any succeeding year.

A. The commissioner shall expend 40% of the money in the Lobster Conservation Fund for the purpose of propagation of lobsters and for purchasing seed lobsters from Maine lobster pounds and female lobsters from Maine wholesale dealers and liberating said lobsters in Maine coastal waters.

B. Sixty per cent of the Lobster Conservation Fund shall be used by the coastal warden service for additional enforcement of lobster laws.

Sec. 12. R. S., T. 12, § 4404, sub-§ 7, repealed. Subsection 7 of section 4404 of Title 12 of the Revised Statutes is repealed.

Sec. 13. 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. License limitation.

A. The number of commercial lobster and crab fishing licenses shall be limited to a number equal to the applicants who qualify between July 1, 1974 and June 30, 1975;

B. The number of apprentice lobster and crab fishing licenses shall be limited to 600;

C. The number of student licenses will be limited to 1,500 or the maximum number issued between July 1, 1974 and June 30, 1975, whichever is lower;

D. There will be no license limitation on retirement lobster and crab fishing licenses;

E. The number of sport licenses will be limited to 1,500 or the maximum number issued between July 1, 1974 and June 30, 1975, whichever is lower.

Sec. 14. R. S., T. 12, § 4461, amended. The first paragraph of section 4461 of Title 12 of the Revised Statutes is amended to read as follows:

It is unlawful for any person to set, raise or haul ~~in or from the tidal waters of this State~~ any pot or trap for any lobster or crab, or to cause the same to be done, without having ~~it and~~ the buoy attached thereto plainly carved or branded with his lobster and crab fishing license number, and unless there is attached to the sill of the trap a metal tag containing the individual's lobster fishing license number and the current license year of issue plainly embossed thereon. Said lobster trap tags shall be issued by the commissioner, or his representative, with the individual's lobster fishing license when application for license is made. The number of tags issued will be equal to the number of traps that an applicant is allowed to set, have in the water, or fish under the appropriate license for which he has made application. The commissioner, with the advice and consent of the Sea and Shore Fisheries Advisory Council, is empowered to issue additional tags when they determine that an emergency situation exists.

Sec. 15. Commissioner to evaluate. The commissioner is directed to evaluate this Act from the point of view of implementation and enforcement and to make any appropriate recommendations to a Special Session of the 106th Legislature or to the 107th Legislature.

Sec. 16. Effective date. This Act shall take effect on July 1, 1974. Lobster and crab fishing licenses shall be renewable on July 1st of each succeeding year.

STATEMENT OF FACT

The purpose of this Bill is reflected in the Title. If enacted, this Bill will establish a license classification system, a license for boats, trap limit, a license ceiling, a provision for tagging of lobster traps and provides for an increase in license fees. It also changes the date for renewing licenses from January 1 to July 1.