

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1548

H. P. 1253

House of Representatives, April 2, 1975

On Motion of Mr. Greenlaw of Stonington, referred to Committee on Marine Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Clark of Freeport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Modify the Laws Relating to Lobster Fishing Licenses.

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

Sec. 1. 12 MRSA § 4404, sub-§ 4, as last amended by PL 1973, c. 784, § 1, is repealed and the following enacted in place thereof:

4. License qualifications. A person, who is a bona fide resident of the State and who lawfully held a lobster and crab fishing license in the prior year or who has held a certificate of apprenticeship for not less than 3 years and spent not less than 18 months of those 3 years as an active apprentice on a lobster boat, may apply for a lobster and crab fishing license provided he meets the other requirements of this section.

A. Any person applying for such a license or certificate shall answer on a form to be provided by the commissioner questions which relate to facts relevant to his claim of residency in Maine. The form shall provide that such answers or statements shall be given under oath. Any knowingly false statements made on such form shall be punished by a fine of not less than \$50 nor more than \$500 upon a finding by a court of competent jurisdiction that such a false statement was knowingly made.

B. Any certificate holder applying for a license shall provide the commissioner with evidence of his 3-year apprenticeship and 18 months of active service on a lobster boat as the commissioner may require on a form to be provided by him for that purpose.

C. Any certificate may be suspended or revoked. Any act which under this Title would be grounds for the suspension or revocation of a lobster

and crab fishing license shall also be grounds for the suspension or revocation respectively of a certificate of apprenticeship.

Sec. 2. 12 MRSA § 4404, sub-§ 5 is amended to read:

5. **License fee.** The fee for a lobster and crab fishing license is ~~\$10~~ \$25 which the applicant shall enclose with his application.

Sec. 3. 12 MRSA § 4404, sub-§ 6 first ¶, is repealed and the following enacted in place thereof:

6. **Lobster Fund.** One-half of each \$25 fee for lobster and crab fishing licenses shall be allocated to the Lobster Fund, as heretofore established.

Sec. 4. 12 MRSA § 4404, sub-§ 7, is repealed and the following enacted in place thereof:

7. **No license or certificate required for helpers on lobster boats.** Any person, assisting or helping another in lobster or crab fishing, either by operating the boat or by attending to lobster or crab traps or pots, is not required to have either a lobster and crab fishing license or a certificate of apprenticeship, but no person whose license or certificate has been suspended or revoked may be a helper during such period of revocation or suspension.

STATEMENT OF FACT

Because a federal court has recently struck down the 3-year residency requirement for entering the Maine lobster fishery, it is imperative to provide for a fair and rational method of entry into the fishery that will at the same time alleviate the substantial pressure on this over-exploited resource.

The safeguards regarding the requirements of factual proof of residency in the State of Maine and sanctions for any fraudulent statement made with regard to such proof will help to deter nonresidents from irresponsibly and fraudulently exploiting the resource. The apprenticeship requirements assures that those who become eligible for licenses in the future will have the necessary training and background to be responsible lobstermen.

There appears to be no pressing need to impose any licensing requirement on boat helpers and therefore the present licensing requirement for such helpers has been deleted in the bill.