

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-694)
107TH LEGISLATURE

HOUSE AMENDMENT "A" to H.P. 1676, L.D. 1923, Bill, "AN ACT to Provide for Licensing of Sternmen on Lobster and Crab Fishing Boats."

Amend said Bill by striking out all of section 4 and inserting in place thereof the following:

'Sec. 4. 12 MRSA §4404-A is enacted to read:

§4404-A. Sternman's license; definitions

1. Definitions. As used in this section, unless otherwise and phrases specified, the following words/shall have the following meanings.

A. Lobster boat operator. Any person licensed by the Department of Marine Resources to fish for, take or catch lobsters or crabs and who operates a boat for that purpose, is a lobster boat operator.

B. Sternman. Any person performing a service on a lobster boat engaged in lobster fishing under an agreement with the operator or owner of such boat shall be a sternman for the purpose of this subchapter.

2. License to serve as sternman for a lobster boat operator. It shall be unlawful for any person to serve as sternman for a lobster boat operator without having a current written license as provided in this section.

A. License designation. The license entitles the holder to provide a service as sternman for a lobster boat operator. The lobster boat operator operating the boat on which the sternman provides the service must have on his person

a license to fish for lobsters and crabs as provided in section 4404.

B. Scope of license for transportation; license to be exhibited. The license entitles the holder to transport his share of the boat catch within the limits of the State, provided he has his license on his person while transporting his share of the catch and exhibits the license while so engaged on request of a coastal warden.

C. Residence requirements. Any person domiciled in the State of Maine may apply to the commissioner for a sternman's license.

D. Application. The applicant shall apply for a license on forms provided by the commissioner. The application shall require such information as may be necessary in order to demonstrate a fulfillment of the requirements of the license, including evidence of domicile in the State of Maine. The commissioner shall not issue a license unless all of the questions on the application are fully answered.

E. Issuance of licenses. The commissioner may issue a license upon receipt of a completed application. The applicant shall be notified when an application is determined ^{to be} complete. The commissioner shall have 45 days from the date of receipt of a completed application in which to review the appli-

cation before issuing a license.

F. Licenses to be exhibited on demand; prima facie evidence.

(1) Any person holding a license shall at all times when engaged in the activity licensed, exhibit the license issued to him upon demand of any coastal warden or any other authorized agent of the commissioner.

(2) Failure to exhibit the requested license shall be prima facie evidence that the person failing is unlicensed.

G. Authority to deny license; hearing upon request.

(1) The commissioner may deny a license when he determines that the requirements are not satisfied.

(2) The applicant may request a hearing within 15 days of notice of denial of a license.

(3) The commissioner shall notify the person denied the license, within 30 days of receipt of the request, of the time, the location, the nature of the hearing and a short and plain statement of the issues.

(4) Opportunity shall be granted to all parties to respond and to present evidence on the issues involved.

(5) After hearing, the commissioner shall either issue the license or deny the license stating the reasons for denial.

H. Judicial review. Any person denied a license after hearing shall have a right to appeal to the Superior Court in the county in which he is domiciled.

I. License fee. The fee for a sternman's license shall be \$10 which the applicant shall submit with his application.

J. Lobster Fund. Five dollars of the license fee of \$10 received from each sternman's license issued shall be allocated to the Lobster Fund as provided in section 4404, subsection 6.

K. General licensing provisions apply. Except as otherwise specified in this subchapter, the general licensing provisions of section 3751 apply to sternmen's licenses.

L. Any person currently providing service as a sternman for a lobster boat operator under a valid license issued under section 4404 shall not be in

violation of this section and such license shall
be valid until January 1, 1976.'

Statement of Fact

The purpose of this amendment is to clarify the organization of section 4404-A of the bill.

Filed by Mr. Greenlaw of Stonington.

Reproduced and distributed under the direction of the Clerk of the House.
6/10/75

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