

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1093

H. P. 879

House of Representatives, March 7, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Jackson of Yarmouth.

Cosponsor: Mr. Bowden of Brooklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

AN ACT to Establish a License Classification and Trap Tagging System for  
Lobster Fishing.

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

Sec. 1. 12 MRSA § 6303, sub-§ 4 is enacted to read:

4. Lobster and crab fishing license. Application for a Class 1 lobster and crab fishing license shall include:

A. A signed statement of earned income for the qualifying year, which shall be certified as correct by a certified public accountant or a notary public; or

B. A signed statement of the service as assistant or helper to a Class 1 license holder for the 2 previous years, which shall be certified as correct by that Class 1 license holder.

Sec. 2. 12 MRSA § 6307, as enacted by PL 1977, c. 661, § 5, is amended by adding at the end the following new sentence:

An intentional or knowing misstatement or misrepresentation on a statement required under section 6303, subsection 4, or a certification that is intentionally or knowingly incorrect or false, shall be a Class D crime, except that the court shall impose a fine of not less than \$5,000 nor more than \$10,000.

**Sec. 3. 12 MRSA § 6404-A** is enacted to read:

**§ 6404-A. Suspension on conviction for misstatement or misrepresentation**

**The commissioner shall suspend the lobster and crab fishing license of any license holder convicted in court of violating section 6307 as it relates to section 6303, subsection 4. The suspension shall be for 3 years from the date of conviction.**

**Sec. 4. 12 MRSA § 6421, sub-§ 3**, as enacted by PL 1977, c. 661, § 5, is amended to read:

**3. License limitation.** A license shall only authorize these activities by an individual who is named in the license. An individual assisting or helping a license holder in these activities shall ~~also be licensed either be named in the license holder's license or be separately licensed.~~ **An individual may only hold one lobster and crab fishing license.**

**Sec. 5. 12 MRSA § 6421, sub-§ 5**, as enacted by PL 1977, c. 661, § 5, is repealed and the following enacted in its place:

**5. Eligibility.** Any class of a lobster and crab fishing license shall be a resident license and shall only be issued to an individual. The following requirements shall apply to each class.

**A. To be eligible for a Class 1 license, the applicant shall have:**

- (1) Received at least 70% of his earned income from activities licensed under this part during one of 3 previous years;**
- (2) Held a Class 2 license for the 2 previous years; or**
- (3) Acted as an assistant or helper to another Class 1 license holder for the 2 previous years.**

**B. To be eligible for a Class 2 license, the applicant shall not have held a Class 2 license for more than one year out of the previous 4 years. Only one individual shall be named in a Class 2 license.**

**C. To be eligible for a Class 3 license, the applicant shall be less than 22 years of age at the time of issuance. Only one individual shall be named in a Class 3 license.**

**D. Only one individual shall be named in a Class 4 license.**

**Sec. 6. 12 MRSA § 6421, sub-§ 7**, as amended by PL 1977, c. 713, § 4, is repealed and the following enacted in its place:

**7. Fee.** The fee for licenses shall be:

**A. For a Class 1 license naming:**

- (1) One individual, \$75;**
- (2) Two individuals, \$100;**

(3) Each name after 2, an additional \$25; and

(4) An applicant who is 62 years of age or older, the fee for a Class 1 license shall be  $\frac{1}{2}$  of these amounts;

B. For a Class 2 license, \$65;

C. For a Class 3 license, \$37.50; and

D. For a Class 4 license, \$50.

Sec. 7. 12 MRSA § 6422 is enacted to read:

§ 6422. Trap tags

1. Issuance. The commissioner shall annually issue to each license holder a set of uniquely identified consecutively numbered tags to be fixed to his traps. The following number of tags shall be issued:

A. For a Class 1 license:

(1) If it names one individual, 500; or

(2) If it names 2 or more individuals, 600;

B. For a Class 2 license, 150;

C. For a Class 3 license, 100; and

D. For a Class 4 license, 100.

2. Replacement of lost tags. A license holder may request additional tags to replace lost tags not to exceed 10% of the authorized number of tags for his license class, if he has lost those tags due to circumstances beyond his control. The request shall include a signed statement of the number of tags lost, the circumstances surrounding the loss and the location of the loss. The request shall be reviewed by the Lobster Council. The commissioner shall issue the number of tags required to replace the tags lost because of circumstances beyond the license holder's control, up to the 10% limit. The decision of the commissioner to deny all or part of a request shall be in writing, and may be appealed to the Administrative Court as provided under the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 8. 12 MRSA § 6433, sub-§ 2, as enacted by PL 1977, c. 661, § 5, is amended by adding at the end the following new sentence:

**It shall be unlawful to set, raise, lift or transfer any lobster trap that is not tagged with the current tag of the owner.**

Sec. 9. 12 MRSA § 6451, sub-§ 1, as amended by PL 1977, c. 713, § 5, is further amended to read:

1. **Allocation of license fees.** Ten dollars of each ~~\$25 fee and five dollars of each \$10 fee~~ the fee for each lobster and crab fishing license shall be allocated to

the Lobster Fund, which shall be used for the purpose of propagation of lobsters by liberating seed and female lobsters in Maine coastal waters.

**Sec. 10. Effective date.** This Act shall take effect on January 1, 1980.

#### STATEMENT OF FACT

This bill establishes a new system of lobster licensing. It creates different classes of licenses and limits the number of traps each class may use by providing a limited number of trap tags. The bill establishes the following system:

Class 1 is a full-time professional license and allows 500 traps to be fished. The fee is \$75 or more depending on the sternmen included in the license. To be eligible, the applicant shall have earned 70% of his income from marine resources, or have had apprentice or sternman experience.

Class 2 is an apprentice license and allows 150 traps to be fished. It may only be held for 2 years. The fee is \$65.

Class 3 is a student license and allows 100 traps to be fished. It may only be held by someone who is less than 22 years old. The fee is \$37.50.

Class 4 is a recreational license and allows 100 traps to be fished. It may be held by any resident. The fee is \$50.

The limitation of traps is enforced by issuing annual trap tags to be used on all lobster traps. Additional tags may be issued if traps are lost because of circumstances beyond the lobstermen's control.

The object of this licensing system is to control the amount of fishing pressure on the lobster industry. The industry is already suffering from the effects of overfishing. It is very important that the delicate balance of fishermen and lobster not be severely damaged by further overfishing. It is also important that the heritage of coastal inhabitants earning their living from the sea be preserved. This bill provides for that protection and preservation without forbidding any individuals a license to go lobstering. It does place some reasonable limits on the efforts of those who do not derive their livings from the sea, but does not prevent them from either entering the lobster industry or from fishing for recreational reasons. Thus, it attempts to strike a balance between the great need to preserve and protect the lobster resource and the desires of many residents to go lobster fishing.