

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1205

H.P. 903 House of Representatives, April 9, 1987
Referred to the Committee on Marine Resources. Sent up
for concurrence and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative SCARPINO of St. George.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Relating to the Enhancement and
Preservation of Marine Resources.

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

Sec. 1. 12 MRSA c. 605, sub-c. VI is enacted to
read:

SUBCHAPTER VI

FISHERIES ENHANCEMENT

§6133. Hatcheries Program

The commissioner shall establish a Hatcheries
Program to strengthen the indigenous populations of
marine species. The commissioner may operate the

1 Hatcheries Program either with departmental staff or
2 under contract with private parties. The commissioner
3 may select species for the Hatcheries Program on
4 the basis of commercial importance, biological status
5 of the fishery, commercial potential and other fac-
6 tors as he deems appropriate. When distributing the
7 juvenile stock produced by the Hatcheries Program,
8 the commissioner shall give first priority to the ma-
9 rine preserves and artificial habitat developed under
10 this subchapter.

11 §6133-A. Habitat protection

12 The commissioner shall establish a program to
13 identify areas within the coastal waters of the State
14 which are of critical importance to the marine envi-
15 ronment. The commissioner may establish marine pre-
16 serve in these areas according to criteria that he
17 may adopt by rule. These criteria shall include, but
18 not be limited to, biological productivity, the exis-
19 tence of rare or endangered species habitat, the ex-
20 istence of important spawning grounds, the suitability
21 for receipt of juvenile stock produced by the
22 Hatcheries Program or other factors which will indi-
23 cate that an area is vital in the life cycle of com-
24 mercially important marine species. The commissioner
25 may limit the taking of marine resources in a marine
26 preserve in order to protect the marine environment
27 of a preserve.

28 §6134. Habitat development

29 The commissioner shall establish a program of
30 habitat development. The purpose of the program
31 shall be to identify promising areas for the con-
32 struction of habitat, including artificial reefs.
33 Subject to the availability of funds, the commissioner
34 may contract for the construction of artificial
35 habitat. The commissioner shall give priority to the
36 construction or development of artificial habitat
37 which encourages an increase in the populations of
38 commercially important marine species.

39 §6134-A. Cooperative research

40 There is established within the Sea Grant Program
41 at the University of Maine a program of research to

1 investigate and develop new commercial products from
2 marine resources and to improve the reproductive ca-
3 pacilities and growth rates of commercially important
4 species through genetic research. The university may
5 enter into cooperative agreements with the Department
6 of Marine Resources and other marine sciences labora-
7 tories for the conduct of research under this sec-
8 tion.

9 §6135. Fisheries extension

10 There is established in the Department of Marine
11 Resources a Bureau of Technology Development and Ex-
12 ension. The purpose of this bureau shall be to pro-
13 vide assistance to the fishing industry in the devel-
14 opment of advanced fishing technology, the adoption
15 and marketing of new products and the implementation
16 of fisheries management and fishing practices that
17 benefit the State. The bureau shall place greatest
18 priority on the delivery of direct services to the
19 fishing industry in the field. The bureau shall co-
20 operate with the University of Maine Sea Grant Pro-
21 gram and the Cooperative Extension Program in the de-
22 livery of these services.

23 §6135-A. Fisheries Enhancement Fund

24 1. Purpose. The Fisheries Enhancement Fund
25 shall be used to support the activities authorized
26 under this subchapter.

27 2. Nonlapsing funds. The fund shall not lapse.

28 §6136. Enforcement Fund

29 1. Purpose. The Enforcement Fund shall be used
30 to support the enforcement of marine resources laws.

31 2. Nonlapsing fund. The fund shall not lapse.

32 §6136-A. Allocation of marine resources license fees

33 Unless allocated differently under other provi-
34 sions of chapters 601 to 627, the revenues resulting
35 from the sale of marine resources licenses shall be
36 allocated according to the following priorities.

1 1. General Fund. The first \$25 of each license
2 fee shall be deposited in the General Fund.

3 2. Enforcement Fund. The next \$25 of each li-
4 cence fee shall be allocated to the Enforcement Fund.

5 3. Fisheries Enhancement Fund. The remaining
6 revenue, if any, derived from the sale of each li-
7 cence shall be allocated to the Fisheries Enhancement
8 Fund.

9 Sec. 2. 12 MRSA c. 619, sub-c. I, as amended, is
10 repealed.

11 Sec. 3. 12 MRSA c. 619, sub-c. I-A is enacted to
12 read:

13 SUBCHAPTER I-A

14 LICENSES

15 §6422. Lobster and crab fishing

16 1. Definitions. As used in this subchapter, un-
17 less the context otherwise indicates, the following
18 terms have the following meanings.

19 A. "Boat" means any vessel or watercraft which
20 has been licensed by the State or issued a docu-
21 mentation number by the Federal Government.

22 B. "Boat license" means a Class A, Class B,
23 Class C, Class D or Class X license issued by the
24 Department of Marine Resources for the operation
25 of a boat for the purpose of taking lobsters and
26 crabs.

27 C. "Crab" means any edible sea crustacean of
28 the suborder, brachyura, taken by traps or pots.

29 D. "Earned income" means gross income from har-
30 vesting marine resources, plus adjusted gross in-
31 come from all other sources providing personal
32 services, whether as employee or self-employed,
33 but does not include income received from invest-
34 ments, pensions, social security or other retire-
35 ment benefits.

1 E. "Harvesting" means the act of taking any ma-
2 rine animal or marine species.

3 F. "Holder" means the individual to whom any
4 boat license is issued pursuant to this section.

5 G. "Sternman" means any person who works as a
6 helper in the act of taking lobsters or crabs by
7 pot or trap.

8 H. "Trap tag" means a small characteristic mark
9 or label prescribed and issued by the department.

10 2. Applications for a license to operate a boat
11 for taking lobsters and crabs. The following provi-
12 sions apply to all classes of boat licenses provided
13 for in this section, unless a different intent is ex-
14 pressed.

15 A. An application shall contain such information
16 as the commissioner requires consistent with the
17 purposes of this section.

18 B. If an applicant meets the qualifications re-
19 quired by this section, the commissioner shall
20 issue to the applicant an appropriate boat li-
21 cence.

22 C. An applicant applying for a Class A boat li-
23 cence after January 1, 1989, shall submit to the
24 commissioner information certified by a public
25 accountant or certified public accountant on a
26 certificate issued by the department to support
27 the applicant's income qualifications.

28 D. Any applicant under subsection 4, paragraphs
29 A and B, who fails to satisfy the stated qualifi-
30 cations may petition the commissioner for issua-
31 ance of a license. The commissioner shall issue
32 to the applicant the Class A boat license peti-
33 tioned for if, upon review of the petition, the
34 commissioner finds that:

35 (1) The applicant substantially meets the
36 stated qualifications;

1 (2) The applicant has shown by past employ-
2 ment practices a commitment to earning a
3 living by commercial lobster fishing; and

4 (3) The denial of a license to operate a
5 boat for commercial lobster fishing creates
6 an unreasonable hardship.

7 E. Any party aggrieved by a decision under para-
8 graph D may appeal to the Superior Court pursuant
9 to the Maine Rules of Civil Procedure, Rule 80B.

10 F. All information submitted by the applicant to
11 the commissioner to establish the applicant's
12 qualifications shall be confidential, except for
13 appeals made under paragraph E.

14 3. Provisions applying to all licenses. The
15 following apply to all licenses issued pursuant to
16 this section.

17 A. All licenses are valid upon issuance.

18 B. No person may hold more than one license is-
19 sued under this section.

20 4. Provisions governing Class A boat licenses.
21 The following apply to all Class A boat licenses.

22 A. An applicant who applies no later than Janu-
23 ary 1, 1991, for a Class A boat license for the
24 taking of lobster and crabs must meet the fol-
25 lowing requirements.

26 (1) The applicant must be a state resident.

27 (2) The applicant must have held a valid
28 lobster and crab fishing license during the
29 calendar year prior to the effective date of
30 this subchapter.

31 B. An applicant who applies for a Class A boat
32 license after January 1, 1991, must meet the fol-
33 lowing requirements.

34 (1) The applicant must be a state resident.

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(2) The applicant must:

(a) Have earned at least 50% of his earned income as a Class A boat license holder for the previous 3 years;

(b) Have earned at least 50% of his earned income as a Class B boat license holder for the previous 3 years;

(c) Have earned at least 50% of his earned income as a Class C boat license holder for the previous 3 years;

(d) Prior to the effective date of this subchapter, have fulfilled the requirements set forth in divisions (a), (b) and (c) by equivalent experience and reliance on commercial lobster fishing as employment;

(e) Meet any combination of the requirements of divisions (a), (b), (c) and (d), totaling 3 years; or

(f) Have held a Class E license for the previous 3 years or have completed the program of training established under section 6423.

C. After January 1, 1991, a Class A boat license shall be renewable annually upon payment of the required fee, provided that the license holder can show that over the 3 previous years at least 50% of his earned income was derived from the taking of lobsters and crabs. In the event the license holder has held the license for less than 3 years, he shall show that at least 50% of his income has come from the taking of lobsters and crabs during the time he has held the license.

Any license holder not meeting these requirements may not renew his license unless the applicant can show that:

(1) He was unable to meet the requirements set forth in this subsection, because of temporary physical disability;

1 (2) He has substantially met the require-
2 ments set forth in this subsection;

3 (3) The denial of renewal of his license
4 creates an unreasonable hardship; or

5 (4) He was on active military duty longer
6 than one of the 3 previous years.

7 5. Provisions governing Class B boat licenses.
8 The following provisions govern Class B boat li-
9 censes.

10 A. An applicant for a Class B boat license for
11 the taking of lobsters and crabs must meet the
12 following requirements.

13 (1) The applicant must be a state resident.

14 (2) The applicant must:

15 (a) Have held a Class A boat license
16 for the previous 2 years;

17 (b) Have held a Class C boat license
18 for the previous 2 years;

19 (c) Have held a Class E boat license
20 for the previous 2 years;

21 (d) Prior to the effective date of
22 this subchapter, have fulfilled the re-
23 quirements set forth in divisions (a),
24 (b) and (c) by equivalent experience
25 and reliance on commercial lobster
26 fishing as employment;

27 (e) Meet any combination of the provi-
28 sions of divisions (a), (b), (c) and
29 (d), totaling 2 years; or

30 (f) Have satisfactorily completed the
31 program of training established under
32 section 6423.

33 B. A Class B boat license shall be renewable an-
34 nually by the holder of the license, unless re-
35 voked, upon the payment of the required fee.

1 6. Provisions governing Class C boat licenses.
2 An applicant for a Class C boat license must meet the
3 following requirements.

4 A. The applicant must be a state resident.

5 B. The applicant must be less than 17 years of
6 age as of January 1st of the license year.

7 7. Provisions governing Class D boat licenses.
8 An applicant for a Class D boat license must meet the
9 following requirements.

10 A. The applicant must be a resident of the
11 State.

12 B. Applications for a Class D boat license shall
13 only be received between March 1st and 31st annu-
14 ally.

15 8. Provisions governing Class E licenses. An
16 applicant for a Class E license must meet the follow-
17 ing requirements.

18 A. The applicant must be a resident of the
19 State.

20 B. The holder of a Class E license may fish for
21 lobsters only as a sternman under the direct su-
22 pervision of a Class A boat license holder.

23 9. Provisions governing Class X boat licenses.
24 An applicant for a Class X boat license must meet the
25 following requirements.

26 A. An applicant must hold a valid Class A boat
27 license.

28 B. The holder of a Class X boat license may fish
29 for lobsters and crabs only in the offshore wa-
30 ters as defined in section 6443.

31 C. The holder of a Class X boat license may not
32 hold any other concurrent lobster fishing li-
33 censes or permits.

1. D. Any vessel used by the holder of a Class X
2. boat license shall be distinctively and specially
3. marked in a manner to be determined by the com-
4. missioner.

5. 10. General license provisions. The following
6. provisions apply to all licenses.

7. A. A license only authorizes the activities spe-
8. cific to that license by an individual who is
9. named in the license.

10. B. No license is required to take or catch crabs
11. with bare hands or hook and line.

12. C. Each applicant shall describe, on the appli-
13. cation, a single color design of his buoys.

14. 11. Lobster and crab traps or pots. The follow-
15. ing provisions shall govern all traps and pots in the
16. coastal waters.

17. A. It is unlawful for any person to set, raise
18. or haul any trap or pot or string of traps or
19. pots for any lobster or crab or to cause or allow
20. the same to be done unless:

21. (1) He is licensed under this section;

22. (2) He has a buoy attached to the trap or
23. pot or string of traps or pots plainly
24. carved or branded with the boat license num-
25. ber; and

26. (3) There is permanently attached to the
27. trap or pot the trap tag issued by the com-
28. missioner for the current year.

29. B. It is unlawful for any person to set, raise
30. or haul traps or pots or cause the same to be
31. done in excess of the number permitted to each
32. class of license as follows:

33. (1) For a Class A boat license, 800 traps
34. or pots or combination of traps or pots;

35. (2) For a Class B boat license, 400 traps
36. or pots or combination of traps or pots;

- 1 (3) For a Class C boat license, 400 traps
- 2 or pots or combination of traps or pots;
- 3 (4) For a Class D boat license, 25 traps or
- 4 pots or combination of traps or pots;
- 5 (5) For a Class E license, 0 traps; or
- 6 (6) For a Class X boat license, unlimited.

7 Five years after the effective date of this sec-
8 tion, the commissioner may further reduce trap
9 limits, as he determines necessary according to
10 the status of industry stabilization and based on
11 information gathered.

12 C. The commissioner, upon issuance of a boat li-
13 cence and annually upon payment of the required
14 license fee, shall issue trap tags identified ac-
15 ording to the license year not in excess of the
16 following number:

- 17 (1) For a Class A boat license 880;
- 18 (2) For a Class B boat license 440;
- 19 (3) For a Class C boat license 440; or
- 20 (4) For a Class D boat license 27.

21 D. The commissioner may issue new trap tags in
22 the event of loss by storm, theft or accident.

23 E. The fees for trap tags shall be as follows:

- 24 (1) For a Class A or Class B boat license,
- 25 the trap tag fee shall be 50¢ each;
- 26 (2) For a Class C or Class D boat license,
- 27 the trap tag fee shall be 15¢ each; and
- 28 (3) For a Class X boat license, the trap
- 29 tag fee shall be \$1 each.

30 F. The fees collected from the sale of trap tags
31 shall be allocated to the Enforcement Fund.

1 if the applicant is
2 over 65 years of
3 age);

4 E. Class E license \$10; or
5 F. Class X boat license \$500.

6 14. Unlawful possession of lobsters and crabs.
7 It is unlawful for any person to fish for, take or
8 catch any lobsters or crabs in any manner without
9 having a current written license as provided in this
10 section.

11 §6423. Apprenticeship program

12 The commissioner shall develop and establish a
13 2-year training and apprenticeship program for the
14 lobster fishing industry. The purpose of this pro-
15 gram shall be to train new entrants into the industry
16 in the following subjects:

17 1. Practical aspects. Practical aspects of lob-
18 ster fishing;

19 2. Safety. Safety;

20 3. Financial management; small businesses. Fi-
21 nanacial management of small businesses; and

22 4. Lobster conservation; management. Lobster
23 conservation and management.

24 The commissioner shall convene an advisory committee
25 composed of himself or his designee, 3 representa-
26 tives of the Lobster Advisory Council and 3 members
27 with experience in vocational-educational programs.
28 The committee shall advise the commissioner on the
29 content and format of the training program.

30 Sec. 4. 12 MRSA §6431, sub-§1, as enacted by PL
31 1977, c. 661, §5, is amended to read:

32 1. Minimum and maximum length. It shall be un-
33 lawful to buy, sell, give away, transport, ship or
34 possess any lobster which is less than 3 3/16 inches
35 or more than 5 inches in length, as determined by the

1 state double gauge lobster measure except as autho-
2 riized by subsection 1-A.

3 Sec. 5. 12 MRSA §6431, sub-§1-A is enacted to
4 read:

5 1-A. Exception for lobsters 5 inches in length
6 or longer caught offshore. The holder of an offshore
7 lobstering license may fish for, take, possess, ship
8 or transport lobsters more than 5 inches in length as
9 determined by the state double gauge lobster measure,
10 provided that:

11 A. The lobsters were caught by traps in the
12 offshore waters as defined in section 6443; and

13 B. The vessel carrying the lobsters longer than
14 5 inches in length shall remain underway with no
15 intermittent stops when crossing the State's ter-
16 ritorial waters until arrival at the buying sta-
17 tion of a wholesale dealer authorized to package
18 lobsters longer than 5 inches in length, except
19 that the vessel may stop to aid another vessel in
20 distress or in other emergency situations as the
21 commissioner may define by rule.

22 The holder of an offshore lobster wholesale dealer's
23 license may buy, sell, transport, ship or possess
24 lobsters longer than 5 inches in length according to
25 rules adopted by the commissioner to implement this
26 section.

27 Sec. 6. 12 MRSA §6439, as amended by PL 1985, c.
28 268, §5, is repealed.

29 Sec. 7. 12 MRSA §6439-A, as enacted by PL 1979,
30 c. 152, §2, is repealed.

31 Sec. 8. 12 MRSA §6439-B is enacted to read:

32 §6439-B. Trawl limits

33 It is unlawful to have on any trawl more than 2
34 lobster traps in any of the coastal waters subject to
35 the jurisdiction of the State.

36 Sec. 9. 12 MRSA §6440, sub-§1, as enacted by PL

1 1977, c. 661, §5, is repealed.

2 Sec. 10. 12 MRSA §6440, sub-§2, as enacted by PL
3 1977, c. 661, §5, is amended to read:

4 2. Weekends. During the period from 4 p.m.,
5 Eastern Daylight Savings Time, Saturday, to 1/2 hour
6 before sunrise the following Monday morning from ~~June~~
7 May 1st to August October 31st, both days inclusive;

8 Sec. 11. 12 MRSA §6440, sub-§§3 and 4 are en-
9 acted to read:

10 3. Time of day. During the period from 4 p.m.
11 until 1/2 hour before sunrise on the following day;
12 and

13 4. Season. During the period from January 1st
14 until March 31st, except that within 2 nautical miles
15 of Monhegan Island, the closed period shall be from
16 June 25th until the following January 1st.

17 Sec. 12. 12 MRSA §6442, as amended by PL 1985,
18 c. 540, is repealed.

19 Sec. 13. 12 MRSA §6443 is enacted to read:

20 §6443. Definition of inshore and offshore waters

21 The commissioner shall by rule establish the
22 boundary between the inshore and offshore waters. In
23 establishing this boundary, the commissioner shall
24 generally follow a line located 3 miles off the coast
25 of the mainland and around islands. The commissioner
26 shall attempt to make this boundary consistent with
27 federal definitions.

28 Sec. 14. 12 MRSA c. 619, sub-c. III, as amended,
29 is repealed.

30 Sec. 15. 12 MRSA c. 619, sub-c. III-A is enacted
31 to read:

32 SUBCHAPTER III-A

33 LOBSTER MANAGEMENT FUNDS

1 \$6452. Lobster Fund

2 1. Use of fund. The Lobster Fund shall be used
3 for the purpose of propagation of lobsters by
4 liberating seed and female lobsters in state coastal
5 waters.

6 2. Purchases; liberation. The commissioner may
7 authorize the expenditure from the Lobster Fund for
8 the purpose of purchasing seed lobsters from state
9 lobster pound owners and female lobsters from whole-
10 sale seafood license holders. The commissioner shall
11 establish the purchase price for seed and female
12 lobsters after consultation with the industry. The
13 commissioner shall give priority to purchasing seed
14 lobsters.

15 3. Liberation and v-notching. The commissioner
16 shall liberate these lobsters in the coastal waters
17 after v-notching them in the right flipper. The
18 right flipper shall be determined as established un-
19 der section 6436, subsection 1.

20 4. Tagging program. The commissioner may under-
21 take a tagging program to determine the migratory
22 patterns of lobsters purchased and liberated under
23 this section. The commissioner may authorize the ex-
24 penditure of up to \$5,000 annually from the Lobster
25 Fund for this program.

26 5. Nonlapsing funds. The Lobster Fund shall not
27 lapse.

28 \$6453. Enforcement Fund

29 1. Commissioner to authorize expenditures. The
30 commissioner may authorize expenditures from the En-
31 forcement Fund for the enforcement of the marine re-
32 sources laws.

33 2. Nonlapsing funds. The Enforcement Fund shall
34 not lapse.

35 \$6454. Hatchery Fund

36 1. Use of fund. The Hatchery Fund shall be used
37 to establish and operate a minimum of 5 lobster

1 hatcheries, each with a minimum capability of produc-
2 ing 1,000,000 late early 4th or 5th stage lobsters,
3 and reseedling programs for the sole purpose of rais-
4 ing and releasing juvenile lobsters into the coastal
5 waters of the State. The commissioner may operate
6 the program directly with departmental staff or indi-
7 rectly by contract with private parties.

8 2. Nonlapsing funds. The Hatchery Fund shall
9 not lapse.

10 \$6455. Allocation of lobster fees

11 Portions of the fees collected through the sale
12 of Class A, Class B and Class X lobster licenses
13 shall be allocated to the following funds according
14 to the priorities established as follows.

15 1. Lobster Fund. The first \$10 of each license
16 fee shall be allocated to the Lobster Fund.

17 2. General Fund. The next \$15 of each license
18 fee shall be allocated to the General Fund.

19 3. Enforcement Fund. The next \$25 of each li-
20 cence fee shall be allocated to the Enforcement Fund.

21 4. Hatchery Fund. The remaining revenue, if
22 any, derived from the sale of each license shall be a
23 allocated to the Hatchery Fund.

24 Sec. 16. 12 MRSA §6501, sub-§5, as amended by PL
25 1985, c. 659, is further amended to read:

26 5. Fees. Fees for commercial fishing licenses
27 shall be:

28 A. \$20 \$50 for resident operator;

29 B. \$53 \$100 for resident operator and all crew
30 members; and

31 C. \$200 \$500 for nonresident operator and all
32 crew members.

33 Sec. 17. 12 MRSA §6601, sub-§5, as amended by PL
34 1981, c. 480, §4, is further amended to read:

1 5. Fee. The fee for a shellfish license shall be
2 ~~\$13~~ \$100.

3 **Sec. 18.** 12 MRSA §6651, sub-§1, as amended by PL
4 1983, c. 838, §1, is repealed and the following en-
5 acted in its place:

6 1. Fees to be paid into fund. The first \$20 of
7 the fee from the sale of shellfish licenses shall be
8 paid into the Shellfish Fund. All remaining revenues
9 shall be allocated according to section 6136-A.

10 **Sec. 19.** 12 MRSA §6701, sub-§5, as amended by PL
11 1985, c. 379, §3, is further amended to read:

12 5. Fee. The fee for a scallop license shall be
13 ~~\$53~~ \$100.

14 **Sec. 20.** 12 MRSA §6751, sub-§4, as amended by PL
15 1985, c, 379, §4, is further amended to read:

16 4. Fee. The fee for a marine worm digger's li-
17 cense shall be ~~\$26~~ \$100.

18 **Sec. 21.** 12 MRSA §6791, sub-§1, as enacted by PL
19 1977, c. 661, §5, is repealed and the following en-
20 acted in its place:

21 1. Allocation of license revenues. The first
22 \$15 of the fee from the sale of marine worm licenses
23 shall be paid into the Marine Worm Fund. All remain-
24 ing revenues shall be allocated according to section
25 6136-A.

26 **Sec. 22.** 12 MRSA §6802, sub-§5, as amended by PL
27 1985, c. 379, §5, is further amended to read:

28 5. Fee. The fee for a seaweed permit is:

29 A. ~~\$6~~ \$50 for a resident;

30 B. ~~\$50~~ \$100 for a nonresident; and

31 C. ~~\$2~~ \$25 for a supplemental permit.

32 **Sec. 23.** 12 MRSA §6851, sub-§2, ~~¶C~~, as enacted
33 by PL 1977, c. 661, §5, is amended to read:

1 C. Buy, sell, process, ship or, within the state
2 limits, transport lobster caught in the inshore
3 waters, as defined in section 6443, and properly
4 permitted or lawfully imported lobster meat or
5 parts. This license shall not authorize removing
6 lobster meat from the shell unless a permit under
7 section 6857 is held.

8 Sec. 24. 12 MRSA §6851, sub-§6, as amended by PL
9 1985, c. 379, §6, is further amended to read:

10 6. Fee. The fees shall be as follows:

11 A. ~~§130~~ \$200 for the wholesale seafood license;
12 and

13 B. ~~§26~~ \$50 for each supplemental license.

14 Sec. 25. 12 MRSA §6851-A is enacted to read:

15 §6851-A. Wholesale offshore lobster license

16 1. License required. Notwithstanding section
17 6851, it is unlawful for any person to engage in the
18 activities authorized under this section without a
19 current wholesale offshore lobster license and a cur-
20 rent wholesale seafood license or other license is-
21 ssued under this Part authorizing the activities.

22 2. Licensed activities. The holder of a whole-
23 sale offshore lobster license, in the wholesale or
24 retail trade, may buy, sell, process, ship or trans-
25 port, within state limits, lobster caught in the
26 offshore waters.

27 3. License limited. A license shall only autho-
28 rize these activities at one establishment or with
29 one vehicle, but not on a vessel rigged to fish for
30 lobster.

31 4. Records. The holder of a wholesale offshore
32 lobster license shall maintain separate daily records
33 of lobsters purchased and sold by number and weight
34 of lobsters less than or equal to 5 inches in length
35 and greater than 5 inches in length as determined un-
36 der section 6431. These records shall indicate the
37 daily landings in these categories for each vessel

1 landing lobster caught in the offshore waters.

2 5. Manifests. All shipments of lobsters longer
3 than 5 inches in length shall be in sealed containers
4 and shall be accompanied by manifests indicating the
5 numbers and total weight of lobsters in each ship-
6 ment.

7 6. Supplemental license. A supplemental license
8 shall be obtained for each additional establishment
9 or vehicle.

10 7. Fees. The fees shall be as follows:

11 A. \$1,000 for the wholesale offshore lobster li-
12 cence; and

13 B. \$100 for each supplemental license.

14 Sec. 26. 12 MRSA §6852, sub-§4, as amended by PL
15 1985, c. 379, §7, is further amended to read:

16 4. Fee. The fee for a retail seafood license
17 shall be ~~\$26~~ \$100.

18 Sec. 27. 12 MRSA §6853, sub-§6, as amended by PL
19 1981, c. 480, §10, is further amended to read:

20 6. Fee. The fee for a marine worm dealer's li-
21 cence shall be ~~\$33~~ \$100 and the fee for a supplemen-
22 tal license shall be ~~\$13~~ \$25.

23 Sec. 28. 12 MRSA §6854, sub-§6, as amended by PL
24 1985, c. 379, §8, is further amended to read:

25 6. Fees. The fee for a lobster transportation
26 license shall be ~~\$130~~ \$200 and the fee for a supple-
27 mental license shall be ~~\$26~~ \$50.

28 Sec. 29. 12 MRSA §6855, sub-§6, as amended by PL
29 1985, c. 379, §9, is further amended to read:

30 6. Fees. The fee for a shellfish transportation
31 license shall be ~~\$130~~ \$200 and the fee for a supple-
32 mental license shall be ~~\$26~~ \$50.

33 Sec. 30. 12 MRSA §6857, sub-§5, as amended by PL

1 1985, c. 379, §10, is further amended to read:

2 5. Fee. The fee for a lobster meat permit shall
3 be \$66 \$100.

4 Sec. 31. 12 MRSA §6861, sub-§5, as amended by PL
5 1985, c. 379, §11, is further amended to read:

6 5. Fees. The fees shall be as follows:

7 A. For a wholesale crawfish license, \$100;

8 B. For a retail crawfish license, \$50 \$100; and

9 C. For a supplemental license, \$20 \$25.

10 Sec. 32. 38 MRSA §469, sub-§1, ¶¶A and C, as en-
11 acted by PL 1985, c. 698, §15, are repealed.

12 Sec. 33. 38 MRSA §469, sub-§1, ¶E, as enacted by
13 PL 1985, c. 698, §15, is amended to read:

14 E. Portland.

15 (1) Tidal waters located within a line be-
16 ginning at a point located on the
17 Cumberland-Portland boundary at approximate-
18 ly latitude 43° - 41'-18" N., longitude 70°
19 - 05'-48" W. and running southeasterly along
20 the Cumberland-Portland boundary to a point
21 where the Cumberland, Harpswell and Portland
22 boundaries meet; thence running southeasterly
23 along the Harpswell-Portland boundary to
24 longitude 70° - 00'-00" W.; thence running
25 due south to a point located at latitude 43°
26 - 38'-21" N., longitude 70° - 00'-00" W.;
27 thence running due west to a point located
28 at latitude 43° - 38'-21" N., longitude 70°
29 - 09'-06" W.; thence running northeasterly
30 to point of beginning - Class SA.

31 ~~(2) Tidal waters lying northwesterly of a~~
32 ~~line beginning at Portland Head Light and~~
33 ~~running northerly to the southernmost point~~
34 ~~of land on Cushing Island; thence running~~
35 ~~northerly along the western shore of Cushing~~
36 ~~Island to the northernmost point of land on~~

1 Cushing Island; thence running northerly to
2 the southernmost point of land on Peaks Is-
3 land; thence running northerly along the
4 western shore of Peaks Island to a point lo-
5 cated at latitude $43^{\circ} 40' 10''$ N, longi-
6 tude $70^{\circ} 11' 34''$ W; thence running north-
7 westerly to the southernmost point of land
8 on Great Diamond Island; thence running
9 northwesterly along the westerly shore of
10 Great Diamond Island to a point located at
11 latitude $43^{\circ} 40' 36''$ W, longitude $70^{\circ} 11'$
12 $34''$ W; thence running northwesterly
13 for 0.7 mile to a point where the
14 Falmouth-Portland boundary forms a right an-
15 gle; thence running northwesterly along the
16 Falmouth-Portland boundary to a point lo-
17 cated at latitude $43^{\circ} 42' 03''$ N, longi-
18 tude $70^{\circ} 15' 22''$ W. --- Class SC.

19 Sec. 34. 38 MRSA §469, sub-§1, ¶¶F and G, as en-
20 acted by PL 1985, c. 698, §15, are repealed.

21 Sec. 35. 38 MRSA §469, sub-§2, ¶¶B, E and H, as
22 enacted by PL 1985, c. 698, §15, are repealed.

23 Sec. 36. 38 MRSA §469, sub-§3, ¶¶B and C, as en-
24 acted by PL 1985, c. 698, §15, are repealed.

25 Sec. 37. 38 MRSA §469, sub-§4, as enacted by PL
26 1985, c. 698, §15, is repealed.

27 Sec. 38. 38 MRSA §469, sub-§6, as enacted by PL
28 1985, c. 698, §15, is repealed.

29 Sec. 39. 38 MRSA §469, sub-§7, ¶¶A and B, as en-
30 acted by PL 1985, c. 698, §15, are repealed.

31 Sec. 40. 38 MRSA §469, sub-§8, as enacted by PL
32 1985, c. 698, §15, is repealed.

33 Sec. 41. P&SL 1907, c. 61, as amended by P&SL
34 1921, c. 58, is repealed.

35 Sec. 42. P&SL 1959, c. 155, §69, as amended by
36 P&SL 1961, c. 88, is repealed.

37 Sec. 43. Resolve 1941, c. 91 is repealed.

1 fishing and the introduction of a closed lobster sea-
2 son;

3 2. A limit of 2 traps per trawl within 3 miles
4 of the coast;

5 3. A mechanism to allow the harvest of lobsters
6 longer than 5 inches in the waters beyond the 3-mile
7 limit;

8 4. A limited entry and trap limit program which
9 goes into full effect on January 1, 1989. Six
10 classes of licenses are created as follows:

11 A. Class A - A lobsterman making more than 50%
12 of his income from lobstering averaged over a
13 3-year period. Trap limit of 800 traps with
14 transitional provision for those fishing more
15 than 800 traps presently;

16 B. Class B - A lobsterman making less than 50%
17 of his income from lobstering. Trap limit of
18 200;

19 C. Class C - A "junior" lobsterman's license for
20 state residents under 17. Trap limit of 200;

21 D. Class D - A recreational lobster license with
22 a trap limit of 25;

23 E. Class E - A sternman-apprentice license al-
24 lowing lobster fishing only under the supervision
25 of a Class A license holder; and

26 F. Class X - An "offshore lobstering" license.
27 No trap limit. A class X boat license may not be
28 held concurrently with any other lobster license.

29 Adjustments to license fees are provided for those
30 over 65 and to full-time students;

31 5. An apprenticeship program is created to train
32 potential new entrants to the lobster industry; and

33 6. A Hatchery Fund and an Enforcement Fund are
34 created with revenues from the sale of lobster li-
35 censes and trap tags. These funds are used to estab-

1 lish a restocking program for the lobster population
2 and to strengthen enforcement activities.

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