

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 967

S.P. 365

Received by the Secretary, March 6, 1991

Referred to the Committee on Marine Resources and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRAWN of Knox

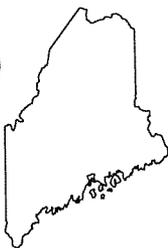
Cosponsored by Representative CARROLL of Southwest Harbor and Representative SKOGLUND of St. George.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act Proposing a License Cap to Manage the Lobster Fishing Effort
Through the Limited Issuance of Licenses.**

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

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Sec. 1. 12 MRSA §6405-A is enacted to read:

§6405-A. Suspension based on trap limit violations

The commissioner shall suspend the lobster and crab fishing license of any license holder convicted in court of violating section 6445. This suspension must be for 3 years from the date of conviction.

Sec. 2. 12 MRSA §6421, as amended by PL 1989, c. 455, §2, is further amended to read:

§6421. Lobster and crab fishing licenses

1. License required. It shall be unlawful for any A person to may not engage in the activities authorized by this license under this section without a current Class I or, Class II or Class III lobster and crab fishing license or other license issued under this Part authorizing the activities. Beginning January 1, 1992 and ending December 31, 1993, only those persons issued licenses in 1990 are eligible for licensing under this subchapter.

2. Licensed activity. The holder of a Class I or, Class II or Class III lobster and crab fishing license may fish for, take, possess, ship or transport within the State lobsters or crabs and sell lobsters or crabs the license holder has taken. The license shall does not authorize the license holder to remove lobster meat from the shell or to take, possess, transport or ship lobster parts or meat. The holder of a Class II or Class III license is liable for the licensed activities under this subsection of all unlicensed crew members assisting that licensee.

3-A. License limitation. A license shall--authorize authorizes activities by individuals as follows.

A. A Class I license shall only authorize authorizes the licensed activities by the individual who is named in the license. Any individual assisting or helping a Class I license holder in these activities shall must also be licensed.

B. A Class II license shall--authorize authorizes the license holder to engage in the licensed activities. A Class II license holder may engage a--maximum--of--2 one unlicensed crew members member to assist in the licensed activities under the direct supervision of the Class II license holder.

2 C. A Class III license authorizes the license holder to
3 engage in the licensed activities. A Class III license
4 holder may engage a maximum of 2 unlicensed crew members to
5 assist in the licensed activities under the direct
6 supervision of the Class III license holder.

7 4. Exception. No A license shall ~~be~~ is not required to take
8 or catch crabs with bare hands or hook and line.

9 5. Eligibility. A Class I ~~or~~ Class II or Class III
10 lobster and crab fishing license shall may only be issued to an
11 individual and shall be a resident license.

12 6. Buoy colors. Each license applicant shall must
13 describe, on the application, a single color design of the
14 applicant's buoys.

15 7-A. Fee. The fee for the license shall ~~be~~ is:

16 A. ~~\$26~~ \$53 for a Class I license ~~for applicants under 17~~
17 ~~years of age;~~

18 B. ~~\$53~~ \$106 for a Class ~~I~~ II license ~~for applicants 17~~
19 ~~years of age or older; and~~

20 C. \$159 for a Class ~~II~~ III license.

21 Sec. 3. 12 MRSA §6442, as amended by PL 1989, c. 643, is
22 further amended to read:

23 **§6442. Lobster identification tags; fee authorized**

24 ~~The commissioner may impose shall require a reasonable fee~~
25 ~~net to exceed 50¢ per tag, for the issuance of lobster trap~~
26 ~~identification tags in those areas of the State included in the~~
27 ~~Swan's Island Trap Limit Program tag fee of 50¢ per trap.~~

28 The fees collected must be paid to the department. The
29 commissioner shall use these fees 25¢ for each tag fee for the
30 administration of the lobster trap tag system. The commissioner
31 shall use the remaining 25¢ of each tag fee for the enforcement
32 of the lobster trap limit requirements of section 6445. Any fees
33 that are unexpended at the end of the fiscal year do not lapse.

34 Sec. 4. 12 MRSA §6445 is enacted to read:

35 **§6445. Trap limits; haul out period**

36 1. Trap limits. The maximum number of lobster traps that
37 may be fished by a holder of a lobster license or any combination
38 of license holders working from the same boat is as follows:

2 A. Effective January 1, 1992, 1000 lobster traps;

4 B. Effective January 1, 1993, 900 lobster traps;

6 C. Effective January 1, 1994, 800 lobster traps;

8 D. Effective January 1, 1995, 700 lobster traps; and

10 E. Effective January 1, 1996, 600 lobster traps.

12 2. Haul out period. All lobster traps must be removed from
14 the water from March 1st to March 15th each year. Any trap found
16 in the water during this period is subject to section 6207. This
18 subsection becomes effective January 1, 1992.

20 3. Prohibited operation. A person may not operate a boat
22 to engage in any activities licensed under this subchapter if the
24 license of the boat's owner, as defined in section 7791, is
26 suspended for violations of this section.

28 Sec. 5. 12 MRSA §6451, sub-§1, as amended by PL 1989, c. 455,
30 §3, is further amended to read:

32 1. Allocation of license fees. Ten dollars of each \$53
34 fee, ~~\$20 of each \$106 fee~~ and \$30 of each \$159 fee and ~~\$5 of each~~
36 \$26-fee for each lobster and crab fishing license shall must be
38 allocated to the Lobster Fund, which shall be used for the
40 purposes of lobster biology research, of propagation of lobsters
42 by liberating seed and female lobsters in Maine coastal waters
44 and of establishing and supporting lobster hatcheries.

46 Sec. 6. Study commission established. The Commission to Study
48 Entry into the Lobster Fishery is established.

50 Sec. 7. Appointment. The commission consists of 9 members.
52 Three members must be Legislators appointed as follows: one
54 Senator appointed by the President of the Senate; and 2 members
56 of the House of Representatives appointed by the Speaker of the
58 House of Representatives. Three members must be commercial
60 lobster harvesters appointed by the Governor. Three members must
62 be members of the Lobster Advisory Council appointed by the chair
64 of the Lobster Advisory Council. One member of each membership
66 category must be from each of the following zones: south of the
68 Kennebec River; Kennebec River to the Penobscot River; and east
70 of the Penobscot River.

72 Sec. 8. Convening of commission. All appointments must be
74 made no later than 30 days after the adjournment of the Second
76 Regular Session of the 115th Legislature. The appointing
78 authorities shall notify the Executive Director of the
80 Legislative Council upon making their appointments. The chair of
82 the Legislative Council shall call the first meeting of the

2 commission by July 1, 1992. The commission shall select a
Legislator from its membership as chair.

4 **Sec. 9. Duties.** The commission shall meet 4 times. In
conducting the study, the commission shall:

6 1. Conduct a review of the types of participants in the
8 Maine lobster fishing industry, including harvesters and dealers;

10 2. Review the economic structure of and conditions in the
12 lobster fishery;

14 3. Review the biological status of the lobster fishery;

16 4. Review alternatives to manage the entry and exit of
lobster harvesters in the lobster fishery;

18 5. Review the potential impacts of limited entry on other
20 fisheries in the State; and

22 6. Propose a license cap to manage the lobster fishing
effort through the limited issuance of licenses.

24 **Sec. 10. Report.** The commission shall present its findings
together with any recommended legislation to the Second Regular
26 Session of the 115th Legislature and the Office of the Executive
Director of the Legislative Council by November 1, 1992.

28 **Sec. 11. Staffing.** The commission shall request staffing
30 assistance from the Legislative Council. The commission may also
call upon the Department of Marine Resources for assistance.

32 **Sec. 12. Compensation.** The members of the commission who are
34 Legislators are entitled to the legislative per diem as defined
in the Maine Revised Statutes, Title 3, section 2, for each day's
36 attendance at commission meetings. All members of the commission
are entitled to reimbursement for expenses upon application to
38 the Executive Director of the Legislative Council.

40 STATEMENT OF FACT

42 This bill makes several changes in the laws governing
44 lobster fishing. The Class II license provision of crew
assistance is changed from 2 unlicensed crew members to one
46 unlicensed crew member. A Class III license is added to permit
crew assistance from 2 unlicensed crew members. Age restrictions
48 for Class I licenses are removed. License fees are set at \$53
for Class I, \$106 for Class II and \$159 for Class III.

50 This bill also establishes a moratorium on the sale of
52 licenses in 1992 and 1993. Only persons issued 1990 licenses are

2 permitted to have licenses during the 2-year moratorium. A trap
fee of 50¢ per trap is also established. A trap limit program is
4 set up to reduce the number of traps that may be fished from
1,000 to 600 over a 4-year period. Penalties for trap limit
violations are included.

6
8 The Commission to Study Entry into the Lobster Fishery is
also established for the summer of 1992 to review the entry and
exit of lobster harvesters in Maine's lobster fishery and to
10 propose a license cap to manage the lobster fishing effort
through the issuance of licenses.