

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1689

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H.P. 1262

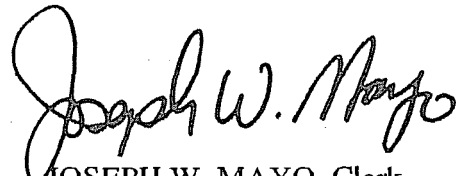
House of Representatives, January 11, 1994

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**An Act to Rejuvenate the Lobster Population in the Gulf of Maine.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Marine Resources suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative LEMONT of Kittery.  
Cosponsored by Representatives: FARNUM of South Berwick, LINDAHL of Northport,  
MARSHALL of Eliot, OTT of York, SIMONEAU of Thomaston, ZIRNKILTON of Mount  
Desert, Senator: GOULD of Waldo.

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

2  
4           Sec. 1. 12 MRSA §6421, sub-§1-A is enacted to read:

6           1-A. Two-year moratorium on new licenses. Notwithstanding  
8           any other provision of this section, the commissioner may not  
          issue a lobster and crab fishing license for calendar year 1995  
          or 1996 to a person unless that person:

10           A. Possessed a valid lobster and crab fishing license on  
12           December 31, 1993; and

14           B. Engaged in the lawful harvesting of lobsters at any time  
16           during the 3 previous years. The commissioner shall  
          determine what constitutes sufficient evidence of a person  
          having engaged in the lawful harvesting of lobsters.

18           During calendar years 1995 and 1996, a lobster and crab fishing  
20           license may not authorize more than one deck hand on any vessel  
          engaged in the harvesting of lobsters.

22           Sec. 2. 12 MRSA §6433, sub-§1, as amended by PL 1989, c. 217,  
24           is further amended to read:

26           1. Vent required. It shall be unlawful to fish for or to  
28           take lobsters unless the lobster trap is equipped with 3  
          unobstructed vents or gaps in the parlor section which-are+, each  
          one having an opening not smaller than 1 7/8 inches.

30           ~~A.---A rectangular or oblong escape vent not less than 1 3/4~~  
32           ~~inches (44.5 mm.) by 5.75 inches (146 mm.) located next to~~  
          ~~the bottom edge;~~

34           ~~B.---Two circular escape vents not less than 2 1/4 inches~~  
36           ~~(57.2 mm.) in diameter located next to the bottom edge;~~

38           ~~C.---A gap caused by raising, modifying or separating~~  
          ~~horizontal laths to comply with paragraph A or B;~~

40           ~~D.---A gap caused by separating or modifying vertical laths~~  
42           ~~to comply with paragraph A;~~

44           ~~E.---A gap caused by separating both ends of 2 laths 1 3/4~~  
46           ~~inches (44.5 mm.) on the top of the parlor section next to~~  
          ~~the middle bow or supporting frame and over the parlor head;~~  
          ~~or~~

48           ~~F.---In a wire or plastic trap by a gap created by cutting~~  
50           ~~vents in the side or end to comply with paragraph A or B.~~

2 Sec. 3. 12 MRSA §6440, as amended by PL 1991, c. 678, is  
further amended to read:

4 **§6440. Closed periods**

6 It shall be unlawful to raise, haul or transfer any lobster  
trap from the coastal waters:

8 ~~1. Summer. During the period 1/2 hour after sunset until~~  
10 ~~1/2 hour before sunrise from June 1st to October 31st, both days~~  
inclusive; and

12  
14 2. **Weekends.** During the period from 4 p.m., Eastern  
Daylight Savings Time, Saturday, to 1/2 hour before sunrise the  
16 following Monday morning from June April 1st to August--31st  
November 1st, both days inclusive, except that it is lawful to  
18 raise, haul or transfer traps during this period if a hurricane  
warning issued by the National Weather Service is in effect for  
20 any coastal waters of the State; and

22 3. **All other days.** For all other days of the year, between  
3 p.m. and 6 a.m., Eastern Daylight Savings Time.

24  
26 **STATEMENT OF FACT**

28 This bill enacts a 2-year moratorium on the issuance of any  
new lobster and crab fishing licenses for calendar years 1995 and  
30 1996. During those 2 years, the Commissioner of Marine Resources  
may issue a lobster and crab fishing license only to a person who  
32 held a valid lobster and crab fishing license on December 31,  
1993 and who demonstrates to the satisfaction of the commissioner  
34 that that person engaged in lobstering activities at some time  
during the previous 3 years. During that 2-year moratorium  
36 period, a lobster and crab fishing license may not authorize the  
use of more than one deck hand on a lobstering vessel at any time.

38 The bill also requires 3 parlor section vents at least 1 7/8  
40 inches in all lobster traps, extends the Sunday harvesting  
prohibition to include all weekends between April 1st and  
42 November 1st and limits harvesting time during all other days of  
the year to the period between 6 a.m. and 3 p.m.

44  
46  
48 This document has not yet been reviewed to determine the  
need for cross-reference, stylistic and other technical  
50 amendments to conform existing law to current drafting standards.