

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1948

S.P. 727

In Senate, March 1, 1994

**An Act to Ensure the Long-term Economic and Biological Viability of
the State's Coastal Lobster Fishery.**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PINGREE of Knox.

Emergency preamble. Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

Whereas, 80% of the lobsters landed in the State are
harvested from coastal waters of the State; and

Whereas, the Commissioner of Marine Resources must have the
regulatory tools necessary to prevent over-fishing of lobsters
within coastal waters of the State; and

Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore,

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

Sec. 1. 12 MRSA §6440, as amended by PL 1991, c. 678, is
further amended to read:

§6440. Closed periods

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

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

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

3. Winter. Anytime during the months of February and March.

Sec. 2. 12 MRSA §§6445 to 6445-C are enacted to read:

§6445. Trap limit

It is unlawful for any person to fish for or take lobsters
within coastal waters using more than 1,000 lobster traps.

§6445-A. Trap tags and log books

2 By January 1, 1995, the commissioner shall adopt rules that:

4 1. Trap tags. Establish a lobster trap tagging program for
6 the purposes of enforcing the lobster trap limit established in
 section 6445. The commissioner may charge a fee for a trap tag
 sufficient to recover costs associated with producing the tag; and

8 2. Log books. Require any person holding a lobster and
10 crab fishing license to maintain a log book. The rules must
12 indicate the type of data that must be entered into the log
14 book. The rules must establish the manner for producing the log
 books and the method for analyzing data from the log books. The
 commissioner shall ensure that the fee for a log book is
 sufficient to recover all costs associated with the production of
 the log book and the analysis of the data collected.

16 §6445-B. Limits on licenses issued

18 The commissioner may not issue a lobster and crab fishing
20 license to any person unless that person:

22 1. Previous possession. Possessed a license in the
24 previous year. A person who possessed a license in the previous
 year is a person who:

26 A. For calendar year 1994 licenses issued on or after the
28 effective date of this section, possessed a calendar year
 1993 license;

30 B. For calendar year 1995 licenses, purchased a calendar
32 year 1994 license on or before February 18, 1994; and

34 C. For calendar year 1996 licenses and later, possessed a
 lobster and crab fishing license in the previous year;

36 2. Demonstrated experience. Demonstrates to the
38 satisfaction of the commissioner at least 2 years' experience as
 an unlicensed deck hand on board a lobster fishing vessel; or

40 3. Student. Demonstrates to the satisfaction of the
42 commissioner that, within the most recent 12 months, that person
44 has been an enrolled student at a public or private university or
 technical college.

46 By January 15, 1995, and by January 15th of each year
48 thereafter, the commissioner shall determine the number of
 persons who were eligible under the provisions of subsection 1 to
 purchase a license in the previous year but who did not purchase
 that license. That number, divided by 2, is the number of

licenses the commissioner may issue to persons not otherwise entitled to purchase a license under this section.

§6445-C. Local area plan

A municipality may prepare and submit to the department for review a local area lobster fisheries management plan. The plan may propose a lobster harvesting season or a lobster trap limit for an area of coastal waters offshore of that municipality. Notwithstanding section 6440, subsection 3, and section 6445, a lobster harvesting season or a trap limit proposed in a local area lobster fisheries management plan is the season and trap limit applicable to those waters and must be enforced by the department if:

1. Determination of reduced effort. The commissioner determines that the local area plan will result in a reduction of lobster harvesting effort within the coastal waters included in the plan; and

2. Approval. The commissioner approves the plan.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

This bill extends the Sunday lobster fishing prohibition, limits each lobster harvester to 1,000 traps and prohibits lobstering in coastal waters during February and March.

The bill also caps the number of lobster licenses by limiting lobster licenses to individuals who either held a license in the previous year, have 2 years' experience as an unlicensed deck hand or who are students at a public or private university or technical school. One half of the licenses that become available through attrition may be sold to previously unlicensed persons who wish to enter the fishery.

The bill also allows towns to adopt local lobster fisheries management plans to reduce lobster harvesting efforts in areas of coastal water offshore of the town. Those plans may include seasons or trap limits different from those established in this Act. Locally established seasons and trap limits are enforceable by the State if the Commissioner of Marine Resources approves the local plan.

2 The bill also requires the commissioner to adopt rules
4 requiring log books and establishing tagging requirements for the
6 purposes of enforcing trap limits.

8
10 This document has not yet been reviewed to determine the
12 need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.