

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to H.P. 577, L.D. 782, Bill, "An Act to Establish a Management Framework for the Lobster Fishery within State Waters"

Amend the amendment by inserting after section 1 the following:

'Sec. 2. 12 MRSA §6404, as enacted by PL 1977, c. 661, §5, is amended to read:

§6404. Suspension based on conviction of scrubbing lobsters

The commissioner shall suspend the lobster and crab fishing license, wholesale seafood license and the commercial fishing license of any license holder convicted in court of violating section 6437 6438-A. The suspension shall must be for one year from the date of conviction.'

Further amend the amendment in section 2 in that part designated "§6421." in subsection 1 in the 3rd and 4th lines (page 1, lines 41 and 42 in amendment) by striking out the following: "or Class IV" and inserting in its place the following: ', Class IV or student'

Further amend the amendment in section 2 in that part designated "§6421." in subsection 2 in the 2nd line (page 1, line 46 in amendment) by striking out the following: "or Class IV" and inserting in its place the following: ', Class IV or student'

Further amend the amendment in section 2 in that part designated "§6421." in subsection 3-A by inserting at the end the following:

'E. A student license authorizes the license holder to engage in the licensed activities using not more than 150 lobster traps at any one time.'

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2 Further amend the amendment in section 2 in that part
designated "§6421." in subsection 5 in the first and 2nd lines
4 (page 2, lines 39 and 40 in amendment) by striking out the
following: "or Class IV" and inserting in its place the
6 following: ', Class IV or student'

8 Further amend the amendment in section 2 in that part
designated "§6421." in subsection 5 in paragraph B in the first
10 line (page 3, line 4 in amendment) by striking out the
following: "Documents" and inserting in its place the following:
12 'Held a Class I, Class II or Class III license issued under this
section in calendar year 1992 and documents'

14 Further amend the amendment in section 2 in that part
designated "§6421." in subsection 5 by striking out all of
16 paragraph C (page 3, lines 11 to 14 in amendment) and inserting
18 in its place the following:

20 'C. Held any 3 of the following licenses during any 3
consecutive years from March 31, 1985 to March 31, 1995:

22 (1) A license issued under this section or section
24 6501, 6701, 6702, 6731, 6745, 6746, 6748 or 6748-A;

26 Further amend the amendment in section 2 in that part
designated "§6421." in subsection 5 in paragraph E in the last
28 line (page 3, line 22 in amendment) by striking out the
following: "or"

30 Further amend the amendment in section 2 in that part
designated "§6421." in subsection 5 in paragraph F in the 2nd
32 line (page 3, line 25 in amendment) by striking out the
34 following: "before" and inserting in its place the following:
36 'between January 1, 1993 and'

38 Further amend the amendment in section 2 in that part
designated "§6421." in subsection 5 in paragraph F in the last
line (page 3, line 28 in amendment) by striking out the
40 following: "investment." and inserting in its place the
following: 'investment"; or'

42 Further amend the amendment in section 2 in that part
designated "§6421." in subsection 5 by inserting at the end the
44 following:

46 'G. Is 65 years of age or older and has held a lobster and
48 crab fishing license.'

SENATE AMENDMENT

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2 Further amend the amendment in section 2 in that part
designated "**§6421.**" by inserting after subsection 5 the following:

4 '5-A. Student license eligibility. A student license may
5 only be issued to a person who, at the time of application, is a
6 full-time student not more than 22 years of age.'

8 Further amend the amendment in section 2 in that part
designated "**§6421.**" in subsection 7-A in paragraph E in the last
10 line (page 3, line 49 in amendment) by striking out the
following: "and"

12 Further amend the amendment in section 2 in that part
designated "**§6421.**" in subsection 7-A in paragraph F in the last
14 line (page 4, line 2 in amendment) by striking out the following:
16 "older." and inserting in its place the following: 'older; and'

18 Further amend the amendment in section 2 in that part
designated "**§6421.**" in subsection 7-A by inserting at the end the
20 following:

22 'G. Forty-six dollars for a student license.'

24 Further amend the amendment in section 3 in that part
designated "**§6422.**" in subsection 1 in the 4th line (page 4, line
26 14 in amendment) by striking out the following: "work experience
as a sternman" and inserting in its place the following:
28 'practical lobster fishing experience'

30 Further amend the amendment in section 3 in that part
designated "**§6422.**" in subsection 4 in the 2nd line (page 4, line
32 31 in amendment) by striking out the following: "sternman" and
inserting in its place the following: 'practical lobster fishing'

34 Further amend the amendment in section 3 in that part
designated "**§6422.**" in subsection 4 in the 4th line (page 4, line
36 33 in amendment) by inserting after the following: "sternman" the
following: 'or for a person who can document experience
38 harvesting lobsters as a holder of a student license issued under
40 section 6421'

42 Further amend the amendment in section 4 in the first line
(page 4, line 37 in amendment) by striking out the following:
44 "**6431-B and 6431-C**" and inserting in its place the following:
'6431-B, 6431-C and 6431-D'

46 Further amend the amendment in section 4 in that part
designated "**§6431-A.**" by striking out all of subsection 2 and
48 inserting in its place the following:

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R 018

2 '2. Trap limit exception. The holder of a Class I, Class
4 II or Class III license issued under section 6421 who documents
6 to the commissioner that the license holder had an average of
8 more than 1,200 traps submerged in the coastal waters of the
10 State in calendar year 1994 and calendar year 1995 has until
12 March 1, 2003 to reduce that average number of traps to 1,200 or
14 less. At a minimum, the license holder must divide the average
16 number of submerged traps in excess of 1,200 by the number 7 and,
18 starting in calendar year 1996, annually reduce the number of
20 traps by the resulting number.'

22 Further amend the amendment in section 4 by inserting at the
24 end the following:

26 '§6431-D. Boat trap limit

28 1. Boat limit. Except as provided in subsection 2, it is
30 unlawful for one or more holders of Class I, Class II or Class
32 III licenses issued under section 6421 to tend more than 1,200
34 traps from a boat in the coastal waters of the State.

36 2. Exception. Two or more holders of Class I, Class II or
38 Class III licenses issued under section 6421 may tend more than
40 1,200 traps from a boat in the coastal waters of the State if the
42 license holders:

44 A. Document to the commissioner that the license holders
46 fished an average of more than 1,200 traps from a boat in
48 the coastal waters of the State in calendar year 1994 and
50 calendar year 1995. By March 1, 2003 the license holders
 must reduce the number of traps tended from a boat to 1,200
 or less. At a minimum, the license holders must divide the
 average number of submerged traps in excess of 1,200 by the
 number 7 and, starting in calendar year 1996, annually
 reduce the number of traps by the resulting number; or

B. Document to the commissioner that the license holders
 are related by blood, marriage or adoption. The term
 "related by blood, marriage or adoption" includes
 stepchildren, but does not include in-laws.

3. Effective date. This section takes effect March 1,
 1996.'

 Further amend the amendment by inserting after section 4 the
following:

 'Sec. 5. 12 MRSA §§6437 and 6438, as enacted by PL 1977, c.
661, §5, are repealed.

R. 4. 8.

2 Sec. 6. 12 MRSA §6438-A is enacted to read:

4 §6438-A. Artificial removal of eggs; prohibition

6 1. Prohibition. It is unlawful to remove extruded eggs
8 from any female lobster or to take, buy, sell, possess, transport
10 or ship any female lobster from which extruded eggs have been
12 removed by any means other than natural hatching.

14 2. Penalty. A violation of this section is a Class D
16 crime, except that the court shall impose a fine of \$100 for each
18 lobster.'

20 Further amend the amendment in section 5 in that part
22 designated "§6446." by inserting after subsection 2 the following:

24 '3. Application of zone rules. The commissioner may adopt
26 rules that define the application of zone rules to a person who
28 holds a license under section 6421 and who fishes for lobsters in
30 more than one zone.'

32 Further amend the amendment in section 5 in that part
34 designated "§6446." by renumbering the subsections to read
36 consecutively.

38 Further amend the amendment in section 5 in that part
40 designated "§6447." in subsection 7 by striking out all of
42 paragraph B and inserting in its place the following:

44 'B. Declared at the time of obtaining a Class I, Class II
46 or Class III license the zone in which the person
 predominantly harvests lobsters. For the purposes of this
 subsection, a person may declare only one zone as the zone
 in which the person predominantly harvests lobsters.'

 Further amend the amendment in section 5 in that part
 designated "§6447." in subsection 7 by inserting at the end a new
 blocked paragraph to read:

'The holder of a lobster and crab fishing license issued under
 section 6421 may fish for lobsters in any zone.'

 Further amend the amendment by relettering or renumbering
 any nonconsecutive Part letter or section number to read
 consecutively.

R 918

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FISCAL NOTE

The establishment of a lobster license category for students and a broadening of opportunities for certain senior citizens to obtain lobster fishing licenses will result in increased undedicated revenues for the General Fund and in increased dedicated revenues collected by the Department of Marine Resources. The exact amounts can not be determined at this time.

Certain changes in the criteria necessary for obtaining the various types of lobster fishing licenses are likely to result in minor decreases in both General Fund revenues and dedicated revenues collected by the Department of Marine Resources. The amounts can not be determined at this time.

The Department of Marine Resources will incur some minor additional costs to adopt rules pertaining to lobster management zones. These costs can be absorbed within the department's existing budgeted resources.

STATEMENT OF FACT

This amendment amends the majority report of the Joint Standing Committee on Marine Resources. It adds a student license allowing a person 22 years of age or younger to fish for lobsters with 150 or fewer traps. There is no limit on entry for student licenses.

The amendment also alters 3 of the limited entry provisions of the committee's majority report. The committee's majority amendment allows a person to obtain a license if that person holds one type of commercial fishing license for 3 consecutive years between March 31, 1985 and March 31, 1995. This amendment would require the person to hold 3 types of commercial fishing licenses in each of 3 consecutive years between March 31, 1985 and March 31, 1995. The committee's majority amendment allows a person to obtain a license if the person made a substantial investment in equipment related to lobster harvesting prior to April 30, 1995. This amendment requires the substantial investment to have been made between January 1, 1993 and April 30, 1995. The majority amendment allows a person to obtain a lobster license if the person did not obtain a license in 1993 or 1994 and did not apply for a license between January 1, 1995 and March 31, 1995 because of a medical condition. This amendment would require a person to have held a license in 1992 in order for this exception to apply.

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2 This amendment would also add to those people who can obtain
a license a person who is 65 years of age or older and who has
4 held a lobster license any time in the past.

6 This amendment changes a requirement under the apprentice
program from working as a sternman to gaining practical lobster
8 fishing experience.

10 This amendment would add experience gained under a student
license to the apprentice program waiver provision under the
12 committee's majority amendment. The waiver provision in the
committee's majority amendment allows the Commissioner of Marine
14 Resources to waive time and experience requirements for
apprentices who have already harvested lobsters as sternmen.

16 The committee's majority amendment sets a trap limit of
18 1,200 per license holder, but allows a person who had fished more
than 1,200 traps as of June 12, 1995 to reach the 1,200 trap
20 limit over 8 years. This amendment changes the committee's
majority amendment by giving a person 7 years to reduce the
22 average number of traps a person fishes in 1994 and 1995 that are
over 1,200.

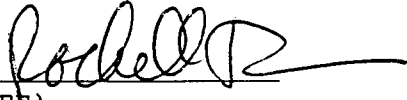
24 This amendment also enacts a trap limit for boats. It
26 prohibits the tending of more than 1,200 traps from an individual
boat, unless one of 2 exceptions apply. The exceptions are if 2
28 or more lobster harvesters tended an average of more than 1,200
traps from a boat in 1994 and 1995, the harvesters may reduce the
30 number to 1,200 over 7 years or if the lobster harvesters are
family members, they may fish more than 1,200 traps from a boat.

32 This amendment also gives the commissioner authority to
34 adopt rules that define how lobster management zone rules apply
to a person who fishes in more than one zone.

36 This amendment also changes the qualifications for lobster
38 management policy council membership and zone voting that are
contained in the committee's majority amendment. This amendment
40 requires a person to be a lobster license holder and declare a
zone as the zone in which the person predominantly fishes in
42 order to be a member of a zone's council or to vote in a zone
election or referendum. The majority amendment required a person
44 to be a lobster license holder and a resident of a zone.

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2 The amendment repeals those sections of the statutes,
4 entitled "Scrubbing lobsters" and "Scrubbed lobsters," which
 prohibit removal of lobster eggs, and replaces them with a
6 prohibition section more generally titled "Artificial removal of
 eggs; prohibition." The prohibition and penalties on the
 removal of lobster eggs remains the same.

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10
12 SPONSORED BY: 
 (Senator PINGREE)

14 COUNTY: Knox
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