

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
117TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "C" 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'

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

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

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

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

24 Further amend the amendment in section 2 in that part  
designated "§6421." in subsection 5 by striking out all of  
26 paragraph C (page 3, lines 11 to 14 in amendment)

28 Further amend the amendment in section 2 in that part  
designated "§6421." in subsection 5 by relettering the paragraphs  
30 to read alphabetically.

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

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

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

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

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

4  
5        Further amend the amendment in section 2 in that part  
6        designated "§6421." by inserting after subsection 5 the following:

7        '5-A. Student license eligibility. A student license may  
8        only be issued to a person who, at the time of application, is a  
9        full-time student not more than 22 years of age.'

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

15  
16       Further amend the amendment in section 2 in that part  
17       designated "§6421." in subsection 7-A in paragraph F in the last  
18       line (page 4, line 2 in amendment) by striking out the following:  
19       "older." and inserting in its place the following: 'older; and'

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

24  
25       'G. Forty-six dollars for a student license.'

26  
27       Further amend the amendment in section 3 in that part  
28       designated "§6422." in subsection 1 in the 4th line (page 4, line  
29       14 in amendment) by striking out the following: "work experience  
30       as a sternman" and inserting in its place the following:  
31       'practical lobster fishing experience'

32  
33       Further amend the amendment in section 3 in that part  
34       designated "§6422." by striking out all of subsection 4 and  
35       inserting in its place the following:

36  
37       '4. Allowance for waivers. Notwithstanding subsections 1  
38       and 2, the commissioner may waive all or part of the practical  
39       lobster fishing experience component or the program length for a  
40       person who holds a Class IV license if the person:

41  
42       A. Documents to the commissioner that the person obtained  
43       practical lobster fishing experience as a sternman employed  
44       by the holder of a Class II or Class III license issued  
45       under section 6421;

46  
47       B. Documents to the commissioner that the person obtained  
48       practical lobster fishing experience as a holder of a  
49       student license issued under section 6421; or  
50

2           C. Documents to the commissioner that the person:

4                   (1) Held a license issued under section 6421 during  
6                   any calendar year between calendar year 1984 and  
                  calendar year 1994 or between January 1, 1995 and March  
                  31, 1995; and

8                   (2) Held a license issued under section 6501, 6701,  
10                   6702, 6731, 6745, 6746, 6748 or 6748-A in calendar year  
                  1994 or between January 1, 1995 and March 31, 1995.'

12                   Further amend the amendment in section 4 in the first line  
14                   (page 4, line 37 in amendment) by striking out the following:  
                  "6431-B and 6431-C" and inserting in its place the following:  
16                   '6431-B, 6431-C and 6431-D'

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

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

32                   Further amend the amendment in section 4 by inserting at the  
34                   end the following:

36                   '§6431-D. Boat trap limit

38                   1. Boat limit. Except as provided in subsection 2, it is  
                  unlawful to tend more than 1,200 traps from a boat in the coastal  
40                   waters of the State.

42                   2. Exception. Two or more holders of Class I, Class II or  
                  Class III licenses issued under section 6421 who harvest lobsters  
44                   from the same boat may collectively tend more than 1,200 traps  
                  from that boat if the license holders:

46                   A. Document to the commissioner the average number of traps  
48                   the license holders fished from the boat in the coastal  
                  waters of the State in calendar year 1995 and that average  
50                   number exceeds 1,200.

2           (1) When license holders qualify under this paragraph,  
4           the trap limit for the boat in calendar year 1996 is  
6           the average number of traps the license holders fished  
8           from the boat in the coastal waters of the State in  
10           calendar year 1994 and calendar year 1995. The number  
          of traps fished from the boat must be reduced to 1,200  
          or less by March 1, 2003. The commissioner may  
          determine by rule a method for proportionally reducing  
          the number of traps fished from a boat; or

12           B. Document to the commissioner that the license holders  
14           fished an average of more than 1,200 traps from a boat in  
16           the coastal waters of the State in calendar year 1994 and  
18           calendar year 1995 and are family members. For the purposes  
20           of this paragraph, being "family members" means that one  
          license holder on the boat must be related to each of the  
          license holders on the boat as either a spouse, sibling,  
          parent by blood, parent by adoption, child by blood, child  
          by adoption, stepchild, stepparent, grandchild or  
          grandparent.

22           (1) When license holders qualify under this paragraph,  
24           the trap limit for the boat is the product of 1,200  
26           multiplied by the number of license holders who are  
28           family members documented under this paragraph who  
30           continue to harvest lobsters from the boat in calendar  
32           year 1996 and consecutive calendar years thereafter. A  
          license holder who is a family member documented under  
          this paragraph and who does not harvest lobsters from  
          the boat in calendar year 1996 or any subsequent  
          calendar year may not harvest lobsters from the boat.'

34           3. Effective date. This section takes effect March 1,  
36           1996.'

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

40           'Sec. 5. 12 MRSA §§6437 and 6438, as enacted by PL 1977, c.  
42           661, §5, are repealed.

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

46           §6438-A. Artificial removal of eggs; prohibition

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

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

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

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

14 Further amend the amendment in section 5 in that part  
16 designated "~~§6446.~~" by renumbering the subsections to read  
consecutively.

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

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

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

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

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

38

40

#### FISCAL NOTE

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

50 Certain changes in the criteria necessary for obtaining the  
various types of lobster fishing licenses are likely to result in

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2 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.


4  
6 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  
8 existing budgeted resources.

10  
12 **STATEMENT OF FACT**

14 This amendment incorporates all of the provisions of Senate  
Amendment "A" to Committee Amendment "A" with the following  
changes.

16  
18 1. The committee's majority report and Senate Amendment "A"  
included a provision under eligibility for lobster licenses that  
20 allowed a person who held certain numbers of commercially  
oriented fishing licenses during certain periods to obtain a  
22 lobster and crab fishing license. This amendment strikes the  
provision from the eligibility section. It inserts similar  
24 language under the waiver provision in the lobster harvesting  
apprentice program. It allows the Commissioner of Marine  
26 Resources to waive all or part of the program's length or  
practical lobster fishing experience component if the person held  
28 a lobster license between January 1, 1984 and March 31, 1995 and  
held one of a number of commercially oriented fishing licenses  
between January 1, 1994 and March 31, 1995.

30  
32 2. The amendment changes the boat trap provisions by  
granting authority to the commissioner to determine the  
34 proportionate reduction necessary to accomplish the 1,200 trap  
boat limit and by clarifying the exemption to the boat limit for  
family members.

36  
38 SPONSORED BY:   
40 (Senator PINGREE)

42 COUNTY: Knox