

MAINE STATE LEGISLATURE

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PLS

L.D. 782

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DATE: 6/21/95

(Filing No. H- 571)

REPORT "C"
MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

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

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 12 MRSA §6421, as amended by PL 1993, c. 499, §§2 and 3, is further amended to read:

§6421. Lobster and crab fishing licenses

1. License required. It is unlawful for any person to engage in the activities authorized by this license under this section without a current Class I, Class II ~~or~~ Class III or Class IV lobster and crab fishing license or other license issued under this Part authorizing the activities.

2. Licensed activity. The holder of a Class I, Class II ~~or~~ Class III or Class IV 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 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 authorizes activities by individuals as follows.

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

6
8 B. A Class II license authorizes the license holder to
engage in the licensed activities. A Class II license
holder may engage one unlicensed crew member to assist in
10 the licensed activities under the direct supervision of the
Class II license holder.

12
14 C. A Class III license authorizes the license holder to
engage in the licensed activities. A Class III license
holder may engage 2 unlicensed crew members to assist in the
16 licensed activities under the direct supervision of the
Class III license holder.

18
20 D. A Class IV license authorizes the apprentice so licensed
to engage in the licensed activities on that apprentice's
sponsor's vessel when the apprentice's sponsor is on board
22 the vessel. A Class IV license holder may not tend any
traps unless the traps are fished by the sponsor of the
24 apprentice so licensed.

26 **4. Exception.** A license is not required to take or catch
crabs with bare hands or hook and line.

28
30 **5. Eligibility.** A Class I, Class II ~~or~~, Class III or Class
IV lobster and crab fishing license may only be issued to an
individual and is a resident license. A Class I, Class II or
32 Class III license may be issued to a person only if the person:

34 A. Possessed a calendar year 1993 or calendar year 1994
Class I, Class II or Class III license issued under this
36 section or possessed a Class I, Class II or Class III
license under this section that was issued between January
38 1, 1995 and March 31, 1995 and owned and operated a boat
used for harvesting lobsters in the coastal waters in
40 calendar year 1993 or calendar year 1994 or between January
1, 1995 and March 31, 1995;

42
44 B. Documents to the satisfaction of the commissioner that
the person did not possess a license issued under this
46 section in calendar year 1993 or 1994 and did not apply for
a license issued under this section between January 1, 1995
48 and March 31, 1995 because of an injury or other medical
condition;

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2 C. Held a license issued under this section or section
4 6501, 6701, 6702, 6731, 6745, 6746, 6748 or 6748-A during
any 3 consecutive years from March 31, 1985 to March 21,
1995;

6 D. Meets the requirements of the apprentice program under
8 section 6422;

10 E. Documents to the commissioner that the commissioner had
12 suspended the person's license privileges for a length of
time that included the entire period between January 1, 1993
and March 31, 1995; or

14 F. Documents to the commissioner that the person made a
16 substantial investment before March 31, 1995 in equipment
directly related to the harvesting of lobsters. The
18 commissioner shall define by rule the term "substantial
investment."

20 **6. Buoy colors.** Each license applicant must describe, on
22 the application, a single color design of the applicant's buoys.

24 **7-A. Fee.** Except as provided in subsection 8, the fee for
the license is:

26 A. Forty-six dollars for a Class I license for applicants
28 under 18 years of age;

30 B. Ninety-three dollars for a Class I license for
applicants 18 years of age or older;

32 C. One hundred eighty-six dollars for a Class II license;
34 and

36 D. Two hundred seventy-nine dollars for a Class III
license;

38 E. Forty-six dollars for a Class IV license for applicants
40 under 18 years of age; and

42 F. Ninety-three dollars for a Class IV license for
applicants 18 years of age or older.

44 **8. Exception.** The fee for a Class I or a Class IV license
46 for applicants 70 years of age or older is \$46.

48 **Sec. 2. 12 MRSA §6422** is enacted to read:

50 **§6422. Apprentice program**

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1 1. Program established; experience component. By July 1,
2 1996, the commissioner shall establish by rule an apprentice
3 program for entry into the lobster fishery. The program must
4 include work experience as a sternman. A person must hold a
5 Class IV license under section 6421 to participate in the program.

6
7 2. Length of program. The commissioner shall determine the
8 length of time an apprentice is enrolled in the program, which
9 must be a minimum of 2 years.

10
11 3. Educational courses. The program may include any
12 educational courses the commissioner determines appropriate.
13 Educational courses may be taught by the department or by any
14 public or private sector association or organization authorized
15 by the commissioner. For any course taught by the department,
16 the commissioner shall set an enrollment fee sufficient to
17 recover all costs incurred by the department in teaching the
18 course.

19
20 4. Allowance for waivers. Notwithstanding subsections 1
21 and 2, the commissioner may waive all or part of the sternman
22 experience component or the program length for a Class IV license
23 holder who can document experience as a sternman. A Class IV
24 license holder who receives a waiver under this subsection must
25 complete any educational courses established under subsection 3.

26
27 **Sec. 3. 12 MRSA §§6431-A, 6431-B and 6431-C** are enacted to
28 read:

29 **§6431-A. Trap cap**

30
31 1. New entrants. It is unlawful for a person who is issued
32 for the first time after March 1, 1996 a Class I, Class II or
33 Class III license under section 6421 to have more than 800 traps
34 submerged in the coastal waters of the State.

35
36 2. Traps exceeding 800. It is unlawful for a person who
37 holds a Class I, Class II or Class III license under section 6421
38 and who on March 1, 1996 had in excess of 800 traps submerged in
39 the coastal waters of the State to submerge in the coastal waters
40 of the State a number of traps that exceeds the number of traps
41 the license holder had submerged on March 1, 1996.

42
43 3. Fewer than 800 traps. A person who held a valid Class
44 I, Class II or Class III license under section 6421 and who on
45 March 1, 1996 had fewer than 800 traps submerged in the coastal
46 waters of the State may submerge up to 800 traps.

47
48 **§6431-B. Tag system**

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The commissioner may establish by rule a lobster trap tag system under which lobster and crab fishing license holders must purchase tags for the purpose of identifying and tracking traps. The rules must contain provisions for replacing lost tags. The commissioner may impose a per-tag fee to cover the cost of trap tags and the costs of administering and enforcing a lobster trap tag system. Trap tag fees must be deposited in the Lobster Management Fund established under section 6431-C.

§6431-C. Lobster Management Fund

1. Lobster Management Fund. The Lobster Management Fund is established as a dedicated nonlapsing fund. The fund is administered by the department.

2. Purpose. All money credited to the Lobster Management Fund must be used to cover the costs of trap tags and the administration and enforcement of a lobster trap tag system under section 6431-B.

Sec. 4. 12 MRSA §6451, sub-§8 is enacted to read:

8. Apprentice program. The commissioner may authorize the expenditure of money in the Lobster Fund to cover the initial costs of developing and delivering the educational component of the apprentice program under section 6422, subsection 3. Any expenditures must be reimbursed to the Lobster Fund from the fees charged under section 6422, subsection 3.

Sec. 5. Allocation. The following funds are allocated from the Lobster Management Fund to carry out the purposes of this Act.

	1995-96	1996-97
MARINE RESOURCES, DEPARTMENT OF		
Administration - Marine Resources		
Positions - Other Count	(2.0)	(2.0)
Personal Services	\$36,624	\$48,832
All Other	48,750	65,000
Capital Expenditures	12,000	
TOTAL	\$97,374	\$113,832

Provides allocations for the costs of 2 additional Clerk Typist II positions and administrative costs necessary for administering

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2 new lobster management requirements.

4 Marine Patrol - Bureau of

6	Positions - Other Count	(3.0)	(3.0)
	Personal Services	\$79,388	\$105,850
8	All Other	30,300	40,400
	Capital Expenditures	31,500	5,000
10		<hr/>	<hr/>
	TOTAL	\$141,188	\$151,250

12 Allocates funds for one Boat
14 Specialist position, 2 Marine
16 Patrol Officer positions and
18 additional operating and
20 capital costs pertaining to
the enforcement of the new
lobster management framework.

22	DEPARTMENT OF MARINE RESOURCES		
	TOTAL	<hr/>	<hr/>
		\$238,562	\$265,082'

24 Further amend the bill by inserting at the end before the
statement of fact the following:

28 FISCAL NOTE

30		1995-96	1996-97
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32 APPROPRIATIONS/ALLOCATIONS

34	Other Funds	\$238,562	\$265,082
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36 REVENUES

38	General Fund	\$16,200	\$21,600
40	Other Funds	243,062	271,082

42 Authorizing an additional lobster fishing license category
44 will increase General Fund revenue by \$16,200 and \$21,600 in
46 fiscal years 1995-96 and 1996-97, respectively. In addition, the
new license category will increase dedicated revenues collected
48 by the Department of Marine Resources by \$4,500 and \$6,000 in
fiscal years 1995-96 and 1996-97, respectively.

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2 The Department of Marine Resources will require Lobster
3 Management Fund allocations of \$238,562 and \$265,082 in fiscal
4 years 1995-96 and 1996-97, respectively, for additional
5 enforcement and administrative costs pertaining to the creation
6 of a new management framework for the lobster fishery. The
7 commissioner is authorized to impose fees that will generate
8 adequate dedicated revenue to cover these increased enforcement
and administrative costs.

10 This bill may increase prosecutions for Class D crimes. If
11 a jail sentence is imposed, the additional costs to the counties
12 are estimated to be \$83.22 per day per prisoner. These costs are
13 not reimbursed by the State. The number of prosecutions that may
14 result in a jail sentence and the resulting costs to the county
jail system are expected to be insignificant.

16 The additional workload, administrative costs and indigent
17 defense costs associated with the minimal number of new cases
18 filed in the court system can be absorbed within the budgeted
19 resources of the Judicial Department. The collection of
20 additional fines may also increase General Fund revenue by minor
21 amounts.'

24 STATEMENT OF FACT

26 This amendment is a minority report of the Joint Standing
27 Committee on Marine Resources.

30 This amendment replaces the bill. It establishes an
31 apprentice program for new entrants into Maine's lobster
32 fishery. The Commissioner of Marine Resources is provided
33 authority to establish the program by rule. Participation in the
34 program is for a minimum of 2 years and includes a requirement
for experience working as a sternman.

36 The amendment also places limitations on who may obtain a
37 lobster and crab fishing license.

40 The amendment creates a trap limit of 800 lobster traps for
41 license holders fishing in Maine waters, effective March 1,
42 1996. It allows people who fish more than 800 traps as of that
43 date to continue fishing that higher number of traps provided
44 they do not exceed that higher number.

46 The amendment also creates a trap tag system to identify and
47 track traps and to fund the trap tag system.

48 The amendment also adds an allocation section and a fiscal
50 note to the bill.