

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 782

H.P. 577

House of Representatives, March 9, 1995

**An Act to Establish a Management Framework for the Lobster Fishery
within State Waters.**

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative RICE of South Bristol.
Cosponsored by Representatives: BIGL of Bucksport, DiPIETRO of South Portland,
GIERINGER of Portland, LINDAHL of Northport, MAYO of Bath, PENDLETON of
Scarborough, POIRIER of Saco, SIMONEAU of Thomaston, SPEAR of Nobleboro, Senator:
BEGLEY of Lincoln.

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

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 student license or a Class I, Class II or Class III lobster and crab fishing license or other license issued under this Part authorizing the activities.

2. Licensed activity. The holder of a student, Class I, Class II or Class III 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.

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

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 the licensed activities under the direct supervision of the Class II license holder.

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 licensed activities under the direct supervision of the Class III license holder.

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

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

5. Eligibility. A student, Class I, Class II or Class III lobster and crab fishing license may only be issued to an

individual and is a resident license. A student license may only be issued to a person who, at the time of application, is a full-time student not more than 25 years of age.

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

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

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

A-1. Forty-six dollars for a student license;

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

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

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

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

9. Four-year moratorium; license sales. Notwithstanding any other provision of this Part, the commissioner may not issue a Class I, Class II or Class III lobster and crab fishing license to any person for calendar years 1996, 1997, 1998 and 1999 unless that person:

A. Possessed a calendar year 1993 or calendar year 1994 lobster and crab fishing license issued under this section;

B. Owned and operated a vessel used for harvesting lobsters in 1993 or 1994; and

C. Documents to the commissioner lobster landings in calendar year 1993 or 1994.

10. Limits on traps. On and after January 1, 1996, a person holding a Class I, Class II or Class III lobster and crab fishing license may not have more than the following number of lobster traps submerged in the coastal waters of the State at any one time:

A. In calendar year 1996, 1,200 traps;

B. In calendar year 1997, 1,100 traps;

C. In calendar year 1998, 1,000 traps;

2 D. In calendar year 1999, 900 traps; and

4 E. In all subsequent years, 800 traps.

6 11. License surcharges by rule. The commissioner shall
8 adopt emergency rules that impose a surcharge on lobster and crab
10 fishing licenses sold for calendar years 1996, 1997, 1998 or 1999
12 if the commissioner determines that the limitations of the sale
14 of those licenses imposed by subsection 9 will result in lower
 revenues to the General Fund in any fiscal year during the
 moratorium than were returned to the General Fund in fiscal year
 1995 from the sale of those licenses. License surcharges imposed
 by rule under this subsection must:

16 A. Be set at the minimum amount necessary to ensure that
18 the limitations on license sales in subsection 9 do not
 result in a loss of revenue to the General Fund; and

20 B. Be distributed proportionally over all categories of
 lobster and crab fishing licenses.

22 **Sec. 2. Entry into the lobster fishery; task force.** No later than
24 January 1, 1996, the Commissioner of Marine Resources shall
26 appoint all members and convene a task force for the purpose of
 developing a plan for entry into the lobster fishery after
 January 1, 2000.

28 **1. Members and organization.** Members of the task force are
30 appointed by the commissioner and serve without compensation.
32 The task force is advisory to the commissioner. The commissioner
34 shall appoint at least 10 persons to the task force, including at
36 least 3 persons representing regional lobster associations, at
38 least 3 persons representing lobster wholesalers, at least 3
40 persons who hold a commercial fishing license and at least one
 person who is a fisheries biologist with expertise in lobster
 fisheries management. The commissioner, or the commissioner's
 designee, shall serve as the chair of the task force and shall
 convene all meetings of the task force. The commissioner may
 convene meetings of the task force between January 1, 1996 and
 December 31, 1998.

42 **2. Purpose.** The purpose of the task force is to develop
44 and recommend to the commissioner a proposal for entry into the
46 lobster fishery that will permit the State to meet lobster
48 fisheries management goals while allowing persons who are not
50 participants in the lobster fishery to work their way into the
 fishery after January 1, 2000 through training or work
 experience, or both. No later than January 1, 1999, the
 commissioner shall submit the written recommendations of the task
 force to the joint standing committee of the Legislature having
 jurisdiction over marine resource matters. That report must also

2 include the commissioner's recommendations for statutory changes
necessary to implement the recommendations of the task force.

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STATEMENT OF FACT

8 This bill enacts a 4-year moratorium on the sale of lobster
and crab fishing licenses and enacts limits on the number of
traps that may be used by lobster harvesters. The bill also
10 requires the Department of Marine Resources to appoint a task
force to study and make recommendations to the Legislature on a
12 lobster fisheries entry program to be implemented by January 1,
2000.

14
16 Under the provisions of this bill, the only persons who, in
either 1993 or 1994, held a license, owned a boat and actually
harvested lobsters or a person who is a full-time student and not
18 more than 25 years old would be eligible to purchase a lobster
and crab fishing license in 1996, 1997, 1998 and 1999.

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22 Beginning on January 1, 1996, the bill will limit student
license holders to 150 traps. Class I, Class II and Class III
license holders are limited to 1,200 traps in 1996, 1,100 traps
24 in 1997, 1,000 traps in 1998, 900 traps in 1999 and 800 traps in
all subsequent years.

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28 To ensure that the license limitations during the moratorium
do not result in a loss to the General Fund, the Commissioner of
Marine Resources may impose a surcharge on lobster licenses, if
30 necessary.