## MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)



## 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

Legislative Document

No. 889

H.P. 666

House of Representatives, March 21, 1995

An Act to Control Entry into the Lobster Fishery to Alleviate Pressure on That Resource.

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

OSEPH W. MAYO. Clerk

Presented by Representative ETNIER of Harpswell.

Sec. 2. 12 MRSA §6421, sub-§9 is enacted to read:  9. Application. This section applies only to 1 issued for calendar year 1995.  Sec. 3. 12 MRSA §86422 to 6424 are enacted to read:  \$6422. Sternman's license  A sternman's license authorizes the license holder employed as a sternman on board a vessel engaged harvesting of lobsters or crabs. A license under this sec optional and is not required for a person to engage activities covered by this license. For the purposes of Part, the term "sternman" means a person employed or ot compensated to assist a person licensed under section 642.  20 on board a vessel equipped to fish for or take lobst crabs. The annual fee for a sternman's license is \$46.50.  \$6423. Trap tags  1. Prohibition. On and after April 1, 1996, a person timerse or keep submerged any lobster trap in any water unless a trap tag issued by the commissioner is aff that trap. Trap tags issued by the commissioner must incl name and license number of the trap owner.  \$6424. Lobster and crab harvesting license  On and after January 1, 1996, a person may not fit take, possess, ship or transport lobsters or crabs unleiperson holds a valid license issued under this section do authorize the licensee to remove meat from the shell or to possess, transport or ship lobster parts or meat.  1. Commercial license; part-time and fucategories. A license issued under this subsection aut the licensee to sell any lobsters or crabs taken b licensee. The following categories of commercial harvesting licenses are established and are subject	$\S\S2$ and
Sec. 3. 12 MRSA §§6422 to 6424 are enacted to read:  Sec. 3. 12 MRSA §§6422 to 6424 are enacted to read:  \$6422. Sternman's license  A sternman's license authorizes the license holder employed as a sternman on board a vessel engaged harvesting of lobsters or crabs. A license under this sec optional and is not required for a person to engage activities covered by this license. For the purposes of Part, the term "sternman" means a person employed or ot compensated to assist a person licensed under section 642: on board a vessel equipped to fish for or take lobst crabs. The annual fee for a sternman's license is \$46.50.  \$6423. Trap tags  1. Prohibition. On and after April 1, 1996, a person to immerse or keep submerged any lobster trap in any water unless a trap tag issued by the commissioner is aff that trap. Trap tags issued by the commissioner must incl name and license number of the trap owner.  \$6424. Lobster and crab harvesting license  On and after January 1, 1996, a person may not fix take, possess, ship or transport lobsters or crabs unler person holds a valid license issued by the commissioner this section. A license issued under this section of authorize the licensee to remove meat from the shell or the possess, transport or ship lobster parts or meat.  1. Commercial license; part-time and funcategories. A license issued under this subsection authorize the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting license subject	
Sec. 3. 12 MRSA §§6422 to 6424 are enacted to read:  Sec. 3. 12 MRSA §§6422 to 6424 are enacted to read:  Sec. 3. 12 MRSA §§6422 to 6424 are enacted to read:  Sec. 3. 12 MRSA §§6422 to 6424 are enacted to read:  Sec. 3. 12 MRSA §§6422 to 6424 are enacted to read:  A sternman's license  A sternman's license authorizes the license holder employed as a sternman on board a vessel engaged harvesting of lobsters or crabs. A license under this sec optional and is not required for a person to engage activities covered by this license. For the purposes of Part, the term "sternman" means a person employed or of compensated to assist a person licensed under section 642. On board a vessel equipped to fish for or take lobst crabs. The annual fee for a sternman's license is \$46.50.  Sec. 3. 12 MRSA §§6422 to 6424 are enacted to read:  Part the term sternman on board a vessel engaged harvestion employed or of compensated to assist a person license dunder section 642. On board a vessel equipped to fish for or take lobst crabs. The annual fee for a sternman's license is \$46.50.  Sec. 3. 12 MRSA §§6422 to 6424 are enacted to read:  Part the term sternman on board a vessel engaged harvestion fee.  A sternman's license of kenged under this section and that take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or the possess, transport or ship lobster parts or meat.  1. Commercial licenses; part-time and funcategories. A license issued under this subsection aut the licensee to sell any lobsters or crabs taken belicensee. The following categories of commercial harvesting licenses are established and are subject.	
Sec. 3. 12 MRSA §§6422 to 6424 are enacted to read:    Set22. Sternman's license   Set23. Sternman   Set24. Sternman   Set24. Sternman   Set24. Sternman   Set24. Sternman   Set25. Sternman's   Set25. Sternman's   Set26. Sternman's   Set26	icenses
\$6422. Sternman's license authorizes the license holder employed as a sternman on board a vessel engaged harvesting of lobsters or crabs. A license under this sec optional and is not required for a person to engage activities covered by this license. For the purposes of Part, the term "sternman" means a person employed or ot compensated to assist a person licensed under section 642 on board a vessel equipped to fish for or take lobst crabs. The annual fee for a sternman's license is \$46.50.  24  \$6423. Trap tags  26  1. Prohibition. On and after April 1, 1996, a permot immerse or keep submerged any lobster trap in any water unless a trap tag issued by the commissioner is aff that trap. Trap tags issued by the commissioner must include name and license number of the trap owner.  \$6424. Lobster and crab harvesting license  40  41  42  43  44  44  45  46  Commercial license; part-time and funcations are subject.  46  47  48  49  49  Commercial license; part-time and funcations are subject.	
A sternman's license authorizes the license holder employed as a sternman on board a vessel engaged harvesting of lobsters or crabs. A license under this sec optional and is not required for a person to engage activities covered by this license. For the purposes of Part, the term "sternman" means a person employed or ot compensated to assist a person licensed under section 642 on board a vessel equipped to fish for or take lobst crabs. The annual fee for a sternman's license is \$46.50.  **S6423.** Trap tags**  1. Prohibition. On and after April 1, 1996, a person not immerse or keep submerged any lobster trap in any water unless a trap tag issued by the commissioner is aff that trap. Trap tags issued by the commissioner must incl name and license number of the trap owner.  **S6424.** Lobster and crab harvesting license**  On and after January 1, 1996, a person may not fix take, possess, ship or transport lobsters or crabs unlest person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or t possess, transport or ship lobster parts or meat.  1. Commercial licenses; part-time and fur categories. A license issued under this subsection aut the licensee to sell any lobsters or crabs take the licensee. The following categories of commercial harvesting licenses are established and are subject	
employed as a sternman on board a vessel engaged harvesting of lobsters or crabs. A license under this sec optional and is not required for a person to engage activities covered by this license. For the purposes of Part, the term "sternman" means a person employed or of compensated to assist a person licensed under section 642 on board a vessel equipped to fish for or take lobst crabs. The annual fee for a sternman's license is \$46.50.  S6423. Trap tags  1. Prohibition. On and after April 1, 1996, a person immerse or keep submerged any lobster trap in any water unless a trap tag issued by the commissioner is aff that trap. Trap tags issued by the commissioner must inclusive and license number of the trap owner.  \$6424. Lobster and crab harvesting license  On and after January 1, 1996, a person may not fix take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or to possess, transport or ship lobster parts or meat.  1. Commercial licenses; part—time and fur categories. A license issued under this subsection authorize the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject.	
harvesting of lobsters or crabs. A license under this seconptional and is not required for a person to engage activities covered by this license. For the purposes of Part, the term "sternman" means a person employed or ot compensated to assist a person licensed under section 642 on board a vessel equipped to fish for or take lobst crabs. The annual fee for a sternman's license is \$46.50.  24  \$6423. Trap tags  26  1. Prohibition. On and after April 1, 1996, a person not immerse or keep submerged any lobster trap in any water unless a trap tag issued by the commissioner is aff that trap. Trap tags issued by the commissioner must include name and license number of the trap owner.  32  \$6424. Lobster and crab harvesting license  34  On and after January 1, 1996, a person may not find take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner is affected that section. A license issued under this section do authorize the licensee to remove meat from the shell or the possess, transport or ship lobster parts or meat.  1. Commercial licenses; part-time and funcategories. A license issued under this subsection authorize the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject.	
Part, the term "sternman" means a person employed or ot compensated to assist a person licensed under section 642: on board a vessel equipped to fish for or take lobst crabs. The annual fee for a sternman's license is \$46.50.  24  \$6423. Trap tags  26  1. Prohibition. On and after April 1, 1996, a person not immerse or keep submerged any lobster trap in any water unless a trap tag issued by the commissioner is aff that trap. Trap tags issued by the commissioner must incl name and license number of the trap owner.  32  \$6424. Lobster and crab harvesting license  34  On and after January 1, 1996, a person may not fix take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or topossess, transport or ship lobster parts or meat.  42  1. Commercial licenses; part-time and fur categories. A license issued under this subsection authorize the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject	
Part, the term "sternman" means a person employed or ot compensated to assist a person licensed under section 642 on board a vessel equipped to fish for or take lobst crabs. The annual fee for a sternman's license is \$46.50.   Section 642 on board a vessel equipped to fish for or take lobst crabs. The annual fee for a sternman's license is \$46.50.  1. Prohibition. On and after April 1, 1996, a person not immerse or keep submerged any lobster trap in any water unless a trap tag issued by the commissioner is aff that trap. Trap tags issued by the commissioner must include name and license number of the trap owner.  Section and after January 1, 1996, a person may not fix take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or the possess, transport or ship lobster parts or meat.  1. Commercial licenses; part-time and fur categories. A license issued under this subsection authorizes the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject.	
on board a vessel equipped to fish for or take lobst crabs. The annual fee for a sternman's license is \$46.50.  36423. Trap tags  1. Prohibition. On and after April 1, 1996, a person not immerse or keep submerged any lobster trap in any water unless a trap tag issued by the commissioner is aff that trap. Trap tags issued by the commissioner must include name and license number of the trap owner.  32  \$6424. Lobster and crab harvesting license  34  On and after January 1, 1996, a person may not fix take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or the possess, transport or ship lobster parts or meat.  42  1. Commercial licenses; part-time and fur categories. A license issued under this subsection authorizes. The following categories of commercial harvesting licenses are established and are subject.	herwise
\$6423. Trap tags  1. Prohibition. On and after April 1, 1996, a personal not immerse or keep submerged any lobster trap in any water unless a trap tag issued by the commissioner is aff that trap. Trap tags issued by the commissioner must include name and license number of the trap owner.  \$6424. Lobster and crab harvesting license  On and after January 1, 1996, a person may not fix take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or topossess, transport or ship lobster parts or meat.  1. Commercial licenses; part-time and fur categories. A license issued under this subsection authorizes. The following categories of commercial harvesting licenses are established and are subject.	
1. Prohibition. On and after April 1, 1996, a personal name and license number of the trap owner.  Setates, possess, ship or transport lobsters or crabs unless take, possess, ship or transport lobsters or crabs unless this section. A license issued under this section do authorize the licensee to remove meat from the shell or to possess, transport or ship lobsters or crabs taken be licensee. The following categories of commercial harvesting license is subject.	
1. Prohibition. On and after April 1, 1996, a permote immerse or keep submerged any lobster trap in any water unless a trap tag issued by the commissioner is afformation that trap. Trap tags issued by the commissioner must include name and license number of the trap owner.  32  \$6424. Lobster and crab harvesting license  34  On and after January 1, 1996, a person may not fixed take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or the possess, transport or ship lobster parts or meat.  42  1. Commercial licenses; part-time and functions and the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject.	
not immerse or keep submerged any lobster trap in any water unless a trap tag issued by the commissioner is aff that trap. Trap tags issued by the commissioner must incl name and license number of the trap owner.  32  \$6424. Lobster and crab harvesting license  34  On and after January 1, 1996, a person may not fix take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or the possess, transport or ship lobster parts or meat.  42  1. Commercial licenses; part—time and fur categories. A license issued under this subsection authorize the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject	
water unless a trap tag issued by the commissioner is aff that trap. Trap tags issued by the commissioner must incl name and license number of the trap owner.  32  \$6424. Lobster and crab harvesting license  34  On and after January 1, 1996, a person may not fis take, possess, ship or transport lobsters or crabs unles person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or t possess, transport or ship lobster parts or meat.  42  1. Commercial licenses; part-time and fu categories. A license issued under this subsection aut the licensee to sell any lobsters or crabs taken b licensee. The following categories of commercial harvesting licenses are established and are subject	
that trap. Trap tags issued by the commissioner must incl name and license number of the trap owner.  \$\frac{6424. Lobster and crab harvesting license}{}  On and after January 1, 1996, a person may not fix take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or to possess, transport or ship lobster parts or meat.  1. Commercial licenses; part-time and fur categories. A license issued under this subsection aut the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject	
32  \$6424. Lobster and crab harvesting license  34  On and after January 1, 1996, a person may not fix take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or to possess, transport or ship lobster parts or meat.  42  1. Commercial licenses; part-time and fur categories. A license issued under this subsection aut the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject	
Settempore and crab harvesting license  On and after January 1, 1996, a person may not fix take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or to possess, transport or ship lobster parts or meat.  1. Commercial licenses; part-time and fur categories. A license issued under this subsection aut the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject	aac enc
On and after January 1, 1996, a person may not fix take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or to possess, transport or ship lobster parts or meat.  1. Commercial licenses; part-time and fur categories. A license issued under this subsection aut the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject	
On and after January 1, 1996, a person may not fix take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioners this section. A license issued under this section do authorize the licensee to remove meat from the shell or to possess, transport or ship lobster parts or meat.  1. Commercial licenses; part-time and fur categories. A license issued under this subsection aut the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject	
take, possess, ship or transport lobsters or crabs unless person holds a valid license issued by the commissioner this section. A license issued under this section do authorize the licensee to remove meat from the shell or to possess, transport or ship lobster parts or meat.  1. Commercial licenses; part-time and functional descriptions. A license issued under this subsection authorizes. A license issued under this subsection authorizes. The following categories of commercial harvesting licenses are established and are subject.	ch for
this section. A license issued under this section do authorize the licensee to remove meat from the shell or to possess, transport or ship lobster parts or meat.  1. Commercial licenses; part-time and function categories. A license issued under this subsection authorizes to sell any lobsters or crabs taken by licensee. The following categories of commercial harvesting licenses are established and are subject	
authorize the licensee to remove meat from the shell or to possess, transport or ship lobster parts or meat.  1. Commercial licenses; part-time and function categories. A license issued under this subsection automated the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject	r under
1. Commercial licenses; part-time and fur categories. A license issued under this subsection aut the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject	
categories. A license issued under this subsection aut the licensee to sell any lobsters or crabs taken b licensee. The following categories of commercial harvesting licenses are established and are subject	o take,
categories. A license issued under this subsection aut the licensee to sell any lobsters or crabs taken b licensee. The following categories of commercial harvesting licenses are established and are subject	.]] +:
the licensee to sell any lobsters or crabs taken be licensee. The following categories of commercial harvesting licenses are established and are subject	
licensee. The following categories of commercial  harvesting licenses are established and are subject	
following limitations:	
48	
A. Part-time lobster and crab harvesting lice part-time lobster and crab harvesting license authori	
55 pare-cime robbeel and crab harveseing receise addition	LUCE CITE

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

2

	<u>license holder to fish for and take lobsters or crabs using</u>
2	not more than 150 traps at any one time. A part-time
	license may be purchased as a Class I, Class II or Class III
4	commercial license as set forth under subsection 2; and
6	B. Full-time lobster and crab harvesting license. A
-	full-time lobster and crab harvesting license authorizes the
8	license holder to fish for and take lobsters or crabs using
Ŭ	any number of traps. A full-time license may be purchased
10	as a Class I, Class II or Class III commercial license as
	set forth under subsection 2. The commissioner may not
12	issue a full-time lobster and crab harvesting license to any
	person unless that person:
14	
	(1) Demonstrates to the commissioner that at least 66%
16	of that person's adjusted gross individual income in
	each of the 3 most recent tax years was derived from
18	commercial fishing in this State;
20	(2) Is the child of a person meeting the criteria of
	subparagraph (1); or
22	
	(3) Possessed a part-time lobster and crab harvesting
24	license in each of the 3 most recent calendar years and
	documented at least \$2,000 in lobster or crab landings
26	in each of those years; or
	•
28	(4) Possessed a sternman's license in each of the 3
	most recent calendar years and documented participation
30	in the lobster fishery in each of those years.
32	The commissioner shall hold all information provided by an
	applicant under this subsection for the purpose of documenting
34	income or participation in the lobster fishery as confidential
	statistics subject to the provisions of section 6173.
36	
	2. Commercial licenses; classes and fees. A license issued
38	under subsection 1 may be issued in any of the following classes:
40	A. Class I license. A Class I license authorizes the
	licensed activities by the person named in the license. A
42	person assisting or helping a Class I license holder in
	those activities must also be licensed. The fee for a Class
44	I license is:
46	(1) For a person who, at the time of application, is
	17 years of age or younger or 70 years of age or older,
48	\$46.50; and
50	(2) For all other applicants, \$92.75;

B. Class II license. A Class II license authorizes the 2 licensed activities by the person named in the license. A 4 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. The fee for a 6 Class II license is \$185.50; and 8 C. Class III license. A Class III license authorizes the 10 licensed activities by the person named in the license. A Class III license holder may engage 2 unlicensed crew 12 members to assist in the licensed activities under the direct supervision of the Class III license holder. The fee for a Class III license is \$278.25. 14 16 3. Recreational lobster and crab harvesting license. A recreational lobster and crab harvesting license authorizes the licensee to harvest lobsters and crabs for personal consumption 18 by the licensee or the licensee's immediate family using not more 20 than 25 traps at any one time. A person may not sell or offer to sell any lobsters or crabs harvested under a recreational lobster and crab harvesting license. The fee for a recreational license 22 issued under this subsection is: 24 A. For a person who, at the time of application, is 17 years of age or younger or 70 years of age or older, \$46.50; 26 and 2.8 B. For all other applicants, \$92.75. 30 4. Trap tags; quantities and fees. At the time a person 32 applies for a license under this subsection, that person must indicate on the application form the number of traps that the person will use in that calendar year, which may not exceed the 34 number of traps authorized by the license. The commissioner 36 shall issue to the applicant a quantity of trap tags equal to the number of traps the applicant indicated will be used by that person in that calendar year, plus any additional trap tags 38 requested under subsection 5. The fee for a trap tag issued 40 under this subsection must be established in rules adopted by the department according to the following fee schedule: 42 A. The fee per tag for one to 800 tags issued to an applicant must be either the average cost of printing and 44 distributing the trap tags or 25¢ per tag, whichever is less;

B. The fee per tag for 801 to 1,200 tags issued to an applicant must be 3 times the fee charged per tag under

46

48

50

paragraph A;

	C. The fee per tag for 1,201 to 1,600 tags issued to an
2	applicant must be 4 times the fee charged per tag under
	paragraph A;
4	
	D. The fee per tag for 1,601 to 2,000 tags issued to an
6	applicant must be 5 times the fee charged per tag under
	paragraph A; and
8	
	E. The fee per tag for all subsequent tags issued to an
10	applicant must be 6 times the fee charged per tag under
	paragraph A.
12	
	5. Additional tags for anticipated loss of gear. In
14	addition to trap tags issued under subsection 4, the commissioner
	may issue to an applicant additional trap tags for use by the
16	applicant in the event that a trap or a trap tag is damaged, lost
	or destroyed during the calendar year. The number of additional
18	tags that may be issued to an applicant by the commissioner may
	not exceed 10% of the number of tags issued under subsection 4.
20	Additional trap tags may be requested only at the time a person
	applies for a license under this section. The fee per tag for an
22	additional trap tag issued under this subsection must be the
	average cost for all tags purchased by the applicant under
24	subsection 4.
26	6. Eligibility. A license issued under this section may be
	issued only to an individual who is a resident of the State.
28	
	7. Exception. A license is not required under this section
30	to take or catch crabs with bare hands or hook and line.
32	8. Buoy colors. An applicant for a license under this
	section must state on the application the single color that will
34	be used on that person's buoys.
36	9. Temporary moratorium. Notwithstanding any other
	provision of this section, the commissioner may not:
38	
	A. After March 31, 1996, issue a license under this section
40	for calendar year 1996; or
42	B. Issue a license under this section for calendar year
	1997 to a person unless that person possessed that same
44	license in calendar year 1996.
46	This subsection is repealed January 1, 1998.
48	Sec. 4. Effective date. That section of this Act that repeals
	the Maine Revised Statutes, Title 12, section 6421 takes effect
50	January 1, 1996.

Sec. 5. Use of funds. The Commissioner of Marine Resources shall deposit all funds received by the sale of sternman's licenses and trap tags into a dedicated revenue account and shall use all funds in that account not required to produce trap tags to supplement other appropriations and allocations to the Bureau of Marine Patrol for enforcement activities.

Sec. 6. 1996 licenses. Notwithstanding the Maine Revised Statutes, Title 12, section 6424, subsection 1, paragraph B, subparagraph (1), for calendar year 1996 licenses, a person may purchase a calendar year 1996 license upon demonstrating to the Commissioner of Marine Resources that at least 66% of that person's adjusted gross individual income for each of the tax years 1993 and 1994 was derived from commercial fishing, provided that the applicant ensures the commissioner that proof of that 66% of that person's income for tax year 1995 was derived from commercial fishing will be provided by March 31, 1996.

## STATEMENT OF FACT

This bill replaces existing lobster and crab harvesting license categories with new categories that include certain limits on the number of traps that may be fished and certain limits on who may purchase a license. The provisions of this bill will apply only to licenses issued for calendar year 1996 and subsequent years and only to lobster and crab harvesting activity that occurs on or after January 1, 1996. The bill also enacts a 21-month moratorium on the issuance of new licenses beginning April 1, 1996.

Under this bill, a recreational lobster and crab harvesting license that allows the licensee to fish up to 25 traps is established. Lobsters and crabs harvested under a recreational license may only be used for personal consumption by the licensee or the licensee's immediate family and may not be sold.

The bill also establishes full-time and part-time commercial lobster and crab harvesting licenses. Lobsters harvested under a commercial license may be sold by the harvester. A part-time license allows the licensee to fish up to 150 traps. A full-time license allows the licensee to fish any number of traps, but is only available to persons who derived 66% or more of their income in each of the 3 most recent tax years from commercial fishing activities, to their children, to persons who possessed a part-time license for the 3 most recent calendar years or to persons who possessed a sternman's license in each of the 3 previous calendar years.

The trap limits established in this bill are enforced through a requirement that there be affixed to each trap a trap tag purchased from the Department of Marine Resources. A licensee is authorized to purchase a trap tag for each trap that will be used by that person plus a sufficient number of additional trap tags to account for traps that may be lost during the year. A tiered schedule of fees is enacted for trap tags.

8

10

2

4

6

The bill also requires that the Commissioner of Marine Resources use all funds received from the sale of trap tags and sternman's licenses for enforcement.

12