

MAINE STATE LEGISLATURE

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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.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ETNIER of Harpswell.

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

2 **Sec. 1. 12 MRSA §6421**, as amended by PL 1993, c. 499, §§2 and
4 3, is repealed.

6 **Sec. 2. 12 MRSA §6421, sub-§9** is enacted to read:

8 9. Application. This section applies only to licenses
10 issued for calendar year 1995.

12 **Sec. 3. 12 MRSA §§6422 to 6424** are enacted to read:

14 §6422. Sternman's license

16 A sternman's license authorizes the license holder to be
18 employed as a sternman on board a vessel engaged in the
20 harvesting of lobsters or crabs. A license under this section is
22 optional and is not required for a person to engage in the
24 activities covered by this license. For the purposes of this
Part, the term "sternman" means a person employed or otherwise
compensated to assist a person licensed under section 6424 while
on board a vessel equipped to fish for or take lobsters or
crabs. The annual fee for a sternman's license is \$46.50.

26 §6423. Trap tags

28 1. Prohibition. On and after April 1, 1996, a person may
30 not immerse or keep submerged any lobster trap in any coastal
32 water unless a trap tag issued by the commissioner is affixed to
that trap. Trap tags issued by the commissioner must include the
name and license number of the trap owner.

34 §6424. Lobster and crab harvesting license

36 On and after January 1, 1996, a person may not fish for,
38 take, possess, ship or transport lobsters or crabs unless that
40 person holds a valid license issued by the commissioner under
this section. A license issued under this section does not
authorize the licensee to remove meat from the shell or to take,
possess, transport or ship lobster parts or meat.

42 1. Commercial licenses; part-time and full-time
44 categories. A license issued under this subsection authorizes
46 the licensee to sell any lobsters or crabs taken by that
48 licensee. The following categories of commercial lobster
harvesting licenses are established and are subject to the
following limitations:

50 A. Part-time lobster and crab harvesting license. A
part-time lobster and crab harvesting license authorizes the

2 license holder to fish for and take lobsters or crabs using
3 not more than 150 traps at any one time. A part-time
4 license may be purchased as a Class I, Class II or Class III
5 commercial license as set forth under subsection 2; and

6 B. Full-time lobster and crab harvesting license. A
7 full-time lobster and crab harvesting license authorizes the
8 license holder to fish for and take lobsters or crabs using
9 any number of traps. A full-time license may be purchased
10 as a Class I, Class II or Class III commercial license as
11 set forth under subsection 2. The commissioner may not
12 issue a full-time lobster and crab harvesting license to any
13 person unless that person:

14
15 (1) Demonstrates to the commissioner that at least 66%
16 of that person's adjusted gross individual income in
17 each of the 3 most recent tax years was derived from
18 commercial fishing in this State;

19
20 (2) Is the child of a person meeting the criteria of
21 subparagraph (1); or

22
23 (3) Possessed a part-time lobster and crab harvesting
24 license in each of the 3 most recent calendar years and
25 documented at least \$2,000 in lobster or crab landings
26 in each of those years; or

27
28 (4) Possessed a sternman's license in each of the 3
29 most recent calendar years and documented participation
30 in the lobster fishery in each of those years.

31
32 The commissioner shall hold all information provided by an
33 applicant under this subsection for the purpose of documenting
34 income or participation in the lobster fishery as confidential
35 statistics subject to the provisions of section 6173.

36
37 **2. Commercial licenses; classes and fees.** A license issued
38 under subsection 1 may be issued in any of the following classes:

39
40 A. Class I license. A Class I license authorizes the
41 licensed activities by the person named in the license. A
42 person assisting or helping a Class I license holder in
43 those activities must also be licensed. The fee for a Class
44 I license is:

45
46 (1) For a person who, at the time of application, is
47 17 years of age or younger or 70 years of age or older,
48 \$46.50; and

49
50 (2) For all other applicants, \$92.75;

2 B. Class II license. A Class II license authorizes the
4 licensed activities by the person named in the license. A
6 Class II license holder may engage one unlicensed crew
8 member to assist in the licensed activities under the direct
 supervision of the Class II license holder. The fee for a
 Class II license is \$185.50; and

10 C. Class III license. A Class III license authorizes the
12 licensed activities by the person named in the license. A
14 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. The fee
 for a Class III license is \$278.25.

16 3. Recreational lobster and crab harvesting license. A
18 recreational lobster and crab harvesting license authorizes the
20 licensee to harvest lobsters and crabs for personal consumption
22 by the licensee or the licensee's immediate family using not more
24 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
 issued under this subsection is:

26 A. For a person who, at the time of application, is 17
28 years of age or younger or 70 years of age or older, \$46.50;
 and

30 B. For all other applicants, \$92.75.

32 4. Trap tags; quantities and fees. At the time a person
34 applies for a license under this subsection, that person must
36 indicate on the application form the number of traps that the
38 person will use in that calendar year, which may not exceed the
40 number of traps authorized by the license. The commissioner
42 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
 requested under subsection 5. The fee for a trap tag issued
 under this subsection must be established in rules adopted by the
 department according to the following fee schedule:

44 A. The fee per tag for one to 800 tags issued to an
46 applicant must be either the average cost of printing and
 distributing the trap tags or 25¢ per tag, whichever is less;

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

2 C. The fee per tag for 1,201 to 1,600 tags issued to an
3 applicant must be 4 times the fee charged per tag under
4 paragraph A;

5 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
7 paragraph A; and

8 E. The fee per tag for all subsequent tags issued to an
9 applicant must be 6 times the fee charged per tag under
10 paragraph A.

11 5. Additional tags for anticipated loss of gear. In
12 addition to trap tags issued under subsection 4, the commissioner
13 may issue to an applicant additional trap tags for use by the
14 applicant in the event that a trap or a trap tag is damaged, lost
15 or destroyed during the calendar year. The number of additional
16 tags that may be issued to an applicant by the commissioner may
17 not exceed 10% of the number of tags issued under subsection 4.
18 Additional trap tags may be requested only at the time a person
19 applies for a license under this section. The fee per tag for an
20 additional trap tag issued under this subsection must be the
21 average cost for all tags purchased by the applicant under
22 subsection 4.

23 6. Eligibility. A license issued under this section may be
24 issued only to an individual who is a resident of the State.

25 7. Exception. A license is not required under this section
26 to take or catch crabs with bare hands or hook and line.

27 8. Buoy colors. An applicant for a license under this
28 section must state on the application the single color that will
29 be used on that person's buoys.

30 9. Temporary moratorium. Notwithstanding any other
31 provision of this section, the commissioner may not:

32 A. After March 31, 1996, issue a license under this section
33 for calendar year 1996; or

34 B. Issue a license under this section for calendar year
35 1997 to a person unless that person possessed that same
36 license in calendar year 1996.

37 This subsection is repealed January 1, 1998.

38 Sec. 4. Effective date. That section of this Act that repeals
39 the Maine Revised Statutes, Title 12, section 6421 takes effect
40 January 1, 1996.

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

9
10 The bill also requires that the Commissioner of Marine
11 Resources use all funds received from the sale of trap tags and
12 sternman's licenses for enforcement.