

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

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Legislative Document

No. 2021

S.P. 743

In Senate, January 14, 1998

**An Act Concerning Commercial Fishing in the Vicinity of Monhegan Island.**

(EMERGENCY)

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.  
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock.  
Cosponsored by Representative HONEY of Boothbay and  
Senators: FERGUSON of Oxford, KILKELLY of Lincoln, MITCHELL of Penobscot,  
Representatives: BAKER of Bangor, BIGL of Bucksport, LEMONT of Kittery, LINDAHL of  
Northport, WHEELER of Eliot.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is a seasonal lobster fishery in the vicinity of Monhegan Island that has existed for over 100 years; and

Whereas, there is serious concern about the viability of that lobster fishery given increasing fishing pressure; and

Whereas, there is serious concern about the economic viability of the island that is predicated on the seasonal lobster fishery; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §6439-B is enacted to read:

**§6439-B. Monhegan Lobster Conservation Area; limited lobster fishing**

**1. Monhegan Lobster Conservation Area.** The following described coastal waters of the State in the vicinity of Monhegan Island are known as the Monhegan Lobster Conservation Area:

Beginning at a point located on Loran line 9960-25850 that is 2 nautical miles southwesterly of the nearest shore of Monhegan Island; then following Loran line 9960-25850 in a southwesterly direction to the point where it intersects the 3-mile territorial sea line; then following the territorial sea line around the southern end of Monhegan Island to the point where it intersects Loran line 9960-12889; then following Loran line 9960-12889 in a somewhat northerly direction to the point where it intersects a point that is 2 nautical miles from the nearest shore of Monhegan Island; then following a line that is 2 nautical miles from the nearest shore of Monhegan Island to the point of beginning.

**2. Prohibition.** It is unlawful to fish for or take lobsters from the Monhegan Lobster Conservation Area without the use of conventional lobster traps tagged with lobster trap tags designated for use in the Monhegan Lobster Conservation Area as issued by the commissioner under section 6431-B.

2        **3. Initial Monhegan Lobster Conservation Area lobster trap**  
3        **tag eligibility.** Monhegan Lobster Conservation Area trap tags  
4        may only be issued to an individual who possessed a lobster and  
5        crab fishing license issued under section 6421 in 1996 and who  
6        registered with the department in 1996 under rules establishing  
7        the Monhegan Lobster Conservation Area and fished in the Monhegan  
8        Lobster Conservation Area between January 1, 1997 and June 30,  
9        1997. Certification of fishing in the Monhegan Lobster  
10        Conservation Area must be on forms supplied by the commissioner.  
11        The commissioner shall establish a Monhegan Lobster Conservation  
12        Area register of lobster and crab fishing license holders under  
13        this section.

14        **4. Continuing Monhegan Lobster Conservation Area lobster**  
15        **trap tag eligibility.** The commissioner shall maintain an annual  
16        list of eligible Monhegan Lobster Conservation Area registrants.

17        **A. An individual may establish eligibility as a Monhegan**  
18        **Lobster Conservation Area registrant for Monhegan Lobster**  
19        **Conservation Area trap tags upon completion of all training**  
20        **requirements, as modified by this section, established under**  
21        **section 6422. An apprentice in the training program must**  
22        **serve 2 years on a vessel operated by a lobster and crab**  
23        **fishing license holder, licensed under section 6421 who is**  
24        **eligible for Monhegan Lobster Conservation Area trap tags**  
25        **under subsection 3 and who shall sponsor the apprentice.**  
26        **During those 2 years, the apprentice must have fished with**  
27        **the sponsor for a minimum of 2/3 of the available fishing**  
28        **days within the Monhegan Lobster Conservation Area fishing**  
29        **season.**

30        **B. The commissioner shall maintain a roster of individuals**  
31        **who have successfully completed the training requirements**  
32        **under this section. The roster must be maintained in**  
33        **chronological order according to the date of completion of**  
34        **the training requirements.**

35        **C. No later than August 1st of each year, the commissioner**  
36        **shall determine from the training roster which individuals**  
37        **are eligible to register to fish in the Monhegan Lobster**  
38        **Conservation Area. The number of individuals may not be**  
39        **greater than the number of individuals from the Monhegan**  
40        **Lobster Conservation Area register who did not maintain**  
41        **eligibility.**

42        **Emergency clause.** In view of the emergency cited in the  
43        preamble, this Act takes effect when approved.  
44

## SUMMARY

2            Monhegan Island has had a seasonal lobster fishery that  
4 occurs in winter for over 100 years. Participants in the fishery  
6 did not fish for lobsters at other times of the year.  
8 Participants historically imposed locally developed trap limits  
10 on themselves. The fishery historically has been the  
12 underpinning of the island economy when, during the winter, there  
14 was no other source of income on the island. This proposal is to  
16 secure that historical practice by establishing a Monhegan  
Lobster Conservation Area that limits the amount of fishing  
practiced in that area by limiting the number of participants and  
by requiring a training program as a precursor to new entry into  
the fishery. The purpose of the training program is to foster  
stewardship through knowledge of local environmental and  
ecological conditions and local fishing practices.