

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)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 504

S.P. 167

In Senate, January 19, 1999

An Act to Correct Inequities in Lobster and Crab Fishing Licensure Laws.

(EMERGENCY)

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 PINGREE of Knox.
Cosponsored by Senator ABROMSON of Cumberland, Representatives: POWERS of
Rockport, SKOGLUND of St. George, VOLENIK of Brooklin.

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

4
6 **Whereas,** currently there is a moratorium on the issuance of
new lobster and crab fishing licenses; and

8 **Whereas,** under the provisions of the moratorium, lobster and
crab fishing licenses may be issued to individuals who held a
10 lobster and crab fishing license in the year immediately
preceding the moratorium, but not to individuals who held a
12 license prior to the year immediately preceding the moratorium;
and

14
16 **Whereas,** this provision of the moratorium has the effect of
depriving experienced crab and lobster fishers from practicing
their trade; and

18
20 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
22 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore,

24
26 **Be it enacted by the People of the State of Maine as follows:**

28 **Sec. 1. 12 MRSA §6421-A, sub-§1,** as enacted by PL 1997, c.
747, §1, is amended to read:

30 **1. Moratorium.** Notwithstanding section 6421, subsection 5,
the commissioner may not issue a Class I, Class II or Class III
32 lobster and crab fishing license to a person between the
effective date of this section and December 31, 1999 unless that
34 person:

36 A. Possessed a Class I, Class II or Class III lobster and
crab fishing license in the previous calendar year;

38 B. Possessed an apprentice lobster and crab fishing license
40 issued prior to February 13, 1998 and meets the requirements
of the apprentice program under section 6422; or

42 C. Did not possess a Class I, Class II or Class III lobster
44 and crab fishing license in the previous calendar year
because the commissioner had suspended the person's license
46 privileges for a length of time that included that previous
calendar year; or

48 D. Possessed a Class I, Class II or Class III lobster and
50 crab fishing license prior to 1996. A person who qualifies

2 under this paragraph does not have to meet the requirements
3 of the apprentice program under section 6422. The
4 commissioner shall give priority to applications submitted
5 under this paragraph.

6
7 **Emergency clause.** In view of the emergency cited in the
8 preamble, this Act takes effect when approved.

10

SUMMARY

12

13 Currently, there is a moratorium on the issuance of new
14 Class I, Class II or Class III lobster and crab fishing licenses;
15 the moratorium expires on December 31, 1999. Under the
16 provisions of the moratorium, a person who did not hold a license
17 in the previous year may not be issued a lobster and crab fishing
18 license. This bill amends the moratorium to allow a Class I,
19 Class II or Class III lobster and crab fishing license to be
20 issued to a person who was licensed as such prior to 1996 and
21 requires the Commissioner of Marine Resources to give priority to
22 those applications.