

MAINE STATE LEGISLATURE

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L.D. 1982

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MARINE RESOURCES

Report A

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1385, L.D. 1982, Bill, "An Act to Establish a Lobster Trap Tag Freeze to Limit Effort in the Lobster Fishery"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 12 MRSA §6421, sub-§5, ¶D, as repealed and replaced by PL 1997, c. 250, §3 and affected by §10, is amended to read:

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

Sec. 2. 12 MRSA §6421, sub-§5, ¶F, as amended by PL 1997, c. 250, §5 and affected by §10, is further amended to read:

F. Is 65 years of age or older and has held a lobster and crab fishing license; or

Sec. 3. 12 MRSA §6421, sub-§5, ¶H is enacted to read:

H. Has held a student lobster and crab fishing license in 3 consecutive years and:

(1) Is 18 years of age or older; or

(2) Is a high school graduate.

This paragraph is repealed December 31, 2001.

Sec. 4. 12 MRSA §6421-A, sub-§1, ¶¶B and C, as enacted by PL 1997, c. 747, §1, are amended to read:

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

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

Sec. 5. 12 MRSA §6421-A, sub-§1, ¶D is enacted to read:

D. Has held a student lobster and crab fishing license in 3 consecutive years and:

(1) Is 18 years of age or older; or

(2) Is a high school graduate.

Sec. 6. 12 MRSA §6431-F is enacted to read:

§6431-F. Trap tag freeze

1. Trap tag limits. Beginning with the 2000 license year, the holder of a Class I, Class II or Class III lobster and crab fishing license may not purchase a number of trap tags that is greater than the number of trap tags the license holder had purchased as of November 20, 1998 for the 1998 license year.

2. Exceptions. Notwithstanding subsection 1, the following trap tag limits apply:

A. If the license holder was issued a Class I, Class II or Class III lobster and crab fishing license for the first time after meeting the requirements of the apprentice program under section 6422, the license holder may not purchase a number of trap tags that is greater than 1/2 the trap limit established by rule for the zone in which the person fishes a majority of that person's traps;

B. If the license holder was issued a Class I, Class II or Class III lobster and crab fishing license pursuant to section 6421, subsection 5, paragraph H or section 6421-A,

COMMITTEE AMENDMENT "A" to H.P. 1385, L.D. 1982

subsection 1, paragraph D, the license holder may not purchase a number of trap tags that is greater than 1/2 the trap limit established by rule for the zone in which the person fishes a majority of that person's traps; and

C. If the license holder was issued a Class I, Class II or Class III lobster and crab fishing license on appeal, the license holder may not purchase a number of trap tags that is greater than:

(1) The number of trap tags purchased by the person for the most recent year in which the person held a license if the person held a license in 1996, 1997 or 1998; or

(2) Half the trap limit established by rule for the zone in which the person fishes a majority of that person's traps if the person did not hold a license in 1996, 1997 or 1998.

3. Appeal of trap tag denial. A lobster and crab fishing license holder who is not issued any trap tags under subsection 1 or 2 may appeal to the commissioner for a review of that denial. The appeals process is as follows.

A. The commissioner may issue trap tags on appeal only if the following criteria are met:

(1) The person documents that the person harvested lobsters in 1996 and 1997; and

(2) The person documents that the person did not purchase trap tags in 1998 because of a substantial illness or other medical condition on the part of the person or a family member or the person documents that service in the Armed Forces of the United States or the United States Coast Guard precluded participation in the lobster fishery and the purchase of trap tags in 1998. For the purposes of this subparagraph, "family member" means a spouse, brother, sister, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, stepchild, stepparent, grandchild or grandparent.

B. A person appealing the denial of trap tags under this subsection shall request the review in writing. The commissioner shall hold a hearing on the appeal if it is requested in writing within 10 days of the initial request. If a hearing is requested, it must be held within 10 days of the request, unless a longer period is mutually agreed to in writing, and it must be conducted in the Augusta area.

A hearing held under this subsection is informal. At the hearing, the appellant may present any evidence concerning the criteria listed in paragraph A that might justify issuing trap tags to the person, and the commissioner may request any additional information the commissioner considers necessary. Any medical information provided as part of the appeal is a confidential record as defined in Title 1, section 402, subsection 3, paragraph A.

C. A license holder whose appeal is approved under this subsection may not purchase each year a number of trap tags greater than the number of trap tags purchased by that person in 1996 or 1997, whichever is greater.

Issuance of trap tags on appeal is at the discretion of the commissioner, except that trap tags may not be issued unless the criteria in paragraph A are met. Decisions of the commissioner must be in writing.

4. Trap limit for zone. A person may not purchase a number of trap tags greater than the trap limit established by rule for a lobster management zone in which that person fishes.

5. Repeal. This section is repealed December 31, 2001.

Sec. 7. Report. The Lobster Advisory Council shall report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource. The Lobster Advisory Council, in consultation with the lobster management policy councils and members of the lobster management zones, shall consider methods to control effort and the potential impacts of those methods on traditional fishing practices. Methods to be considered may include, but are not limited to, the following: establishing a tiered license program; providing for the transfer of a license to a family member; increasing license and trap tag fees; and instituting more severe penalties for violations of laws relating to the lobster resource. The Joint Standing Committee on Marine Resources may report out legislation to the Second Regular Session of the 119th Legislature regarding limited effort in the lobster fishery.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

1999-00

2000-01

2 REVENUES

4	General Fund	\$24,900	\$33,200
	Other Funds	34,500	46,000

8 Expanding the eligibility for lobster and crab fishing
licenses will increase General Fund revenue collected by the
10 Department of Marine Resources by \$24,900 and \$33,200 in fiscal
years 1999-00 and 2000-01, respectively, and will increase
12 dedicated revenues collected by the department from license fees
and trap tags by \$27,000 and \$36,000 in fiscal years 1999-00 and
14 2000-01, respectively.

16 The expanded eligibility for lobster and crab fishing
17 licenses will also increase license surcharges collections. The
18 estimated increases of dedicated revenue to the Lobster Promotion
19 Council are \$7,500 and \$10,000 in fiscal years 1999-00 and
20 2000-01, respectively.

22 The Lobster Advisory Council will incur some minor
additional costs to submit a required report to the Legislature.
24 These costs can be absorbed within the council's existing
budgeted resources.'

28 SUMMARY

30 This amendment, which is the majority report of the Joint
Standing Committee on Marine Resources, replaces the bill. The
32 amendment specifies that a person who has held a student lobster
and crab fishing license for 3 consecutive years and who is at
34 least 18 years of age or a high school graduate is eligible for a
Class I, Class II or Class III lobster and crab fishing license.
36 The amendment repeals that provision on December 31, 2001.

38 The amendment establishes a freeze on the purchase of
lobster trap tags at the number of trap tags purchased by a Class
40 I, Class II or Class III lobster and crab fishing license holder
as of November 20, 1998 for the 1998 license year, with 3
42 exceptions. A license holder who is issued a license for the
first time after meeting the requirements of the apprentice
44 program or who is issued a license after having held a student
license for 3 consecutive years is limited to a number of trap
46 tags that is not greater than 1/2 the trap limit established by
rule for the zone in which the person fishes a majority of that
48 person's traps. A license holder who is issued a license on
appeal is limited to either the number of trap tags purchased by
50 the person in 1996, 1997 or 1998 or a number of trap tags that is

COMMITTEE AMENDMENT "A" to H.P. 1385, L.D. 1982

not greater than 1/2 the trap limit established by rule for the zone in which the person fishes a majority of that person's traps if the person did not hold a license in 1996, 1997 or 1998.

The amendment also establishes an appeals process for certain individuals who are denied trap tags because of the limits.

The amendment repeals the trap tag freeze provisions on December 31, 2001.

The amendment requires the Lobster Advisory Council to report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource, and it authorizes the Joint Standing Committee on Marine Resources to report out legislation to the Second Regular Session of the 119th Legislature regarding limited effort in the lobster fishery.

This amendment also adds a fiscal note to the bill.