

MAINE STATE LEGISLATURE

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L.D. 1982

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MARINE RESOURCES

Report B

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

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Sec. 1. 12 MRSA §6421, sub-§5, ¶D, as repealed and replaced by PL 1997, c. 250, §3 and affected by §10, is amended to read: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

2 This paragraph is repealed December 31, 2001.

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

6
8 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~~

10
12 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
14 calendar year; or

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

18
20 D. Has held a student lobster and crab fishing license in 3
consecutive years and:

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

24 (2) Is a high school graduate.

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

28 **§6431-F. Trap tag freeze**

30 **1. Trap tag limits.** Beginning with the 2000 license year,
the following trap tag limits apply to holders of Class I, Class
32 II or Class III lobster and crab fishing licenses.

34 A. If the license holder purchased as of November 20, 1998
for the 1998 license year between zero and 200 trap tags,
36 the license holder may not purchase more than 300 trap tags
for the initial license year. For each following year, the
38 license holder may purchase up to an increase of 100 trap
tags each year as long as the total number does not exceed
40 the trap limit established by rule for the zone in which the
person fishes a majority of that person's traps.

42
44 B. If the license holder purchased as of November 20, 1998
for the 1998 license year 201 or more trap tags, for the
initial license year, the license holder may purchase a
46 number of trap tags not greater than 100 more than the
number the license holder purchased as of November 20, 1998
48 for the 1998 license year as long as that number does not
exceed the trap limit established by rule for the zone in
50 which the person fishes a majority of that person's traps.

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

2 For each following year, the license holder may purchase a
4 number of trap tags that is not greater than 100 more than
6 the number the license holder purchased for the previous
8 license year as long as the number does not exceed the trap
10 limit established by rule for the zone in which the person
12 fishes a majority of that person's traps.

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

12 A. If the license holder was issued a Class I, Class II or
14 Class III lobster and crab fishing license for the first
16 time after meeting the requirements of the apprentice
18 program under section 6422, the license holder may not
20 purchase more than 300 trap tags for the initial license
22 year. For each following year, the license holder may
24 purchase up to an increase of 100 trap tags each year as
26 long as the total number does not exceed the trap limit
28 established by rule for the zone in which the person fishes
30 a majority of that person's traps:

32 B. If the license holder was issued a Class I, Class II or
34 Class III lobster and crab fishing license pursuant to
36 section 6421, subsection 5, paragraph H or section 6421-A,
38 subsection 1, paragraph D, the license holder may not
40 purchase more than 300 trap tags for the initial license
42 year. For each following year, the license holder may
44 purchase up to an increase of 100 trap tags each year as
46 long as the total number does not exceed the trap limit
48 established by rule for the zone in which the person fishes
50 a majority of that person's traps; and

34 C. If the license holder was issued a Class I, Class II or
36 Class III lobster and crab fishing license on appeal, the
38 license holder may purchase for the initial license year a
40 number of trap tags up to the number of trap tags purchased
42 by the person for the most recent year in which the person
44 held a license if the person held a license in 1996, 1997 or
46 1998 or 300 trap tags if the person did not hold a license
48 in 1996, 1997 or 1998. For each following year, the license
50 holder may purchase up to an increase of 100 trap tags each
year as long as the total number does not exceed the trap
limit established by rule for the zone in which the person
fishes a majority of that person's traps.

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

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

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

6
7 (2) The person documents that the person did not
8 purchase trap tags in 1998 because of a substantial
9 illness or other medical condition on the part of the
10 person or a family member or the person documents that
11 service in the Armed Forces of the United States or the
12 United States Coast Guard precluded participation in
13 the lobster fishery and the purchase of trap tags in
14 1998. For the purposes of this subparagraph, "family
15 member" means a spouse, brother, sister, son-in-law,
16 daughter-in-law, parent by blood, parent by adoption,
17 mother-in-law, father-in-law, child by blood, child by
18 adoption, stepchild, stepparent, grandchild or
19 grandparent.

20
21 B. A person appealing the denial of trap tags under this
22 subsection shall request the review in writing. The
23 commissioner shall hold a hearing on the appeal if it is
24 requested in writing within 10 days of the initial request.
25 If a hearing is requested, it must be held within 10 days of
26 the request, unless a longer period is mutually agreed to in
27 writing, and it must be conducted in the Augusta area.

28
29 A hearing held under this subsection is informal. At the
30 hearing, the appellant may present any evidence concerning
31 the criteria listed in paragraph A that might justify
32 issuing trap tags to the person, and the commissioner may
33 request any additional information the commissioner
34 considers necessary. Any medical information provided as
35 part of the appeal is a confidential record as defined in
36 Title 1, section 402, subsection 3, paragraph A.

37
38 C. A license holder whose appeal is approved under this
39 subsection may purchase a number of trap tags up to the
40 number of trap tags purchased in 1996 or 1997, whichever is
41 greater. For each following year, the license holder may
42 purchase up to an increase of 100 trap tags each year as
43 long as the total number does not exceed the trap limit
44 established by rule for the zone in which the person fishes
45 a majority of that person's traps.

46
47 Issuance of trap tags on appeal is at the discretion of the
48 commissioner, except that trap tags may not be issued unless the
49 criteria in paragraph A are met. Decisions of the commissioner
50 must be in writing.

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

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

8 **Sec. 7. Report.** The Lobster Advisory Council shall report to
9 the Joint Standing Committee on Marine Resources by February 1,
10 2000 on methods to limit effort in the lobster fishery for the
11 purpose of conserving the lobster resource. The Lobster Advisory
12 Council, in consultation with the lobster management policy
13 councils and members of the lobster management zones, shall
14 consider methods to control effort and the potential impacts of
15 those methods on traditional fishing practices. Methods to be
16 considered may include, but are not limited to, the following:
17 establishing a tiered license program; providing for the transfer
18 of a license to a family member; increasing license and trap tag
19 fees; and instituting more severe penalties for violations of
20 laws relating to the lobster resource. The Joint Standing
21 Committee on Marine Resources may report out legislation to the
22 Second Regular Session of the 119th Legislature regarding limited
23 effort in the lobster fishery.'

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

28 **FISCAL NOTE**

	1999-00	2000-01
32 REVENUES		
34 General Fund	\$24,900	\$33,200
35 Other Funds	274,858	419,978

38 Expanding the eligibility for lobster and crab fishing
39 licenses will increase General Fund revenue collected by the
40 Department of Marine Resources by \$24,900 and \$33,200 in fiscal
41 years 1999-00 and 2000-01, respectively, and will increase
42 dedicated revenues collected by the department from license fees
43 and trap tags by \$27,000 and \$36,000 in fiscal years 1999-00 and
44 2000-01, respectively. In addition, allowing the purchase of
45 more trap tags will also increase dedicated revenues collected by
46 the department by \$240,358 and \$373,978 in fiscal years 1999-00
47 and 2000-01, respectively.

48 The expanded eligibility for lobster and crab fishing
49 licenses will also increase license surcharges collections. The

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

2 estimated increases of dedicated revenue to the Lobster Promotion
Council are \$7,500 and \$10,000 in fiscal years 1999-00 and
4 2000-01, respectively.

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

10 **SUMMARY**

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

20 The amendment establishes limits on the purchase of lobster
22 trap tags based on the number of trap tags purchased by a Class
I, Class II or Class III lobster and crab fishing license holder
24 as of November 20, 1998 for the 1998 license year. The amendment
limits those who purchased 200 or fewer trap tags to 300 trap
26 tags in the initial license year, building up to the trap limit
for the zone in which they fish at a rate of 100 trap tags per
28 year. It limits those who purchased more than 200 trap tags to a
buildup of 100 trap tags per year, up to the trap limit for the
30 zone in which they fish.

32 The amendment establishes an initial limit of 300 trap tags
for a license holder who is issued a Class I, Class II or Class
34 III license for the first time after meeting the requirements of
the apprentice program and allows that license holder to build up
36 at a rate of 100 trap tags per year, up to the trap limit for the
zone in which that license holder fishes.

38 The amendment establishes an initial limit for a license
40 holder who is issued a Class I, Class II or Class III license on
appeal of either the number of trap tags purchased by the person
42 in 1996, 1997 or 1998 or 300 trap tags if the person did not hold
a license in 1996, 1997 or 1998 and allows that license holder to
44 build up at a rate of 100 trap tags per year, up to the trap
limit for the zone in which that license holder fishes.

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

50

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

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

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

12 This amendment also adds a fiscal note to the bill.