

# MAINE STATE LEGISLATURE

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L.D. 1992

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MARINE RESOURCES

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

COMMITTEE AMENDMENT "A" to H.P. 1386, L.D. 1992, Bill, "An Act to Limit Entry into the Lobster Fishery by Zone"

Amend the bill by inserting after section 1 the following:

'Sec. 2. 12 MRSA §6447, sub-§7, ¶B, as enacted by PL 1995, c. 468, §8, is amended to read:

B. Declared at the time of obtaining a Class I, Class II or Class III license the zone in which the person predominantly harvests-lobsters fishes a majority of that person's lobster traps. ~~For the purposes of this subsection,--~~ a A person may declare only one zone as the zone in which the person predominantly-harvests-lobsters fishes a majority of that person's lobster traps.'

Further amend the bill in section 2 in that part designated "~~§6448.~~" by striking out all of subsection 2 (page 1, lines 36 to 49 and page 2, lines 1 to 3 in L.D.) and inserting in its place the following:

'2. Rules for limited-entry zones. The commissioner may adopt rules establishing limits on new zone entrants to a lobster management zone. These rules must be adopted in accordance with this subsection.

A. After conducting a written survey in the zone, a lobster management policy council may propose to the commissioner an exit ratio to limit new zone entrants to the zone. The lobster management policy council is not required to submit

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the proposal to referendum and the proposed exit ratio does not need to receive approval through the survey in order to be forwarded to the commissioner.

B. The commissioner may initiate rulemaking under this subsection only upon receipt of a proposal under paragraph A. The commissioner shall hold a public hearing on the proposed rules pursuant to Title 5, section 8052. The public hearing must be held in the zone in which the rules would apply and the results of the written survey must be entered into the record.

C. Rules adopted under this subsection must establish an exit ratio between the number of individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their declared lobster zone in the previous calendar year, and the number of new zone entrants authorized under subsection 7. An exit ratio established by rule under this subsection is not required to be the same as the exit ratio proposed by the lobster management policy council.

D. Upon written notification from the lobster management policy council that a majority of the council has voted to conduct a survey in a zone regarding a proposal for an exit ratio to limit new zone entrants to the zone, the commissioner shall close the zone to new zone entrants until the commissioner either adopts rules under this subsection or declares that the commissioner will not initiate rulemaking under this subsection. In no event may the zone remain closed for longer than one year unless the commissioner has adopted rules establishing limits on new zone entrants to the zone.'

Further amend the bill in section 2 in that part designated "\$6448." in subsection 5 in the 3rd line from the end (page 2, line 31 in L.D.) by inserting after the following: "zone." the following: 'A person may indicate up to 2 limited-entry zones that the person requests to declare as the person's declared lobster zone.'

Further amend the bill in section 2 in that part designated "\$6448." in subsection 7 in the 10th line (page 2, line 49 in L.D.) by striking out the following: "after being authorized to do so" and inserting in its place the following: 'within 30 days after receiving the notification by certified mail'

Further amend the bill in section 2 in that part designated "\$6448." in subsection 7 in the last line (page 3, line 2 in L.D.) by inserting after the following: "entrant." the

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following: 'If a person has indicated a request for more than one zone pursuant to subsection 5, that person must be taken off the waiting list for the 2nd zone when the person declares one of the zones as that person's declared lobster zone after being authorized to do so.'

Further amend the bill in section 2 in that part designated "~~§6448.~~" by striking out all of subsection 8.

Further amend the bill in section 2 in that part designated "~~§6448.~~" by inserting after subsection 9 the following:

'10. Rules. The commissioner may establish by rule procedures to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.'

Further amend the bill in section 2 in that part designated "~~§6448.~~" by renumbering the subsections to read consecutively.

Further amend the bill by striking out all of section 3.

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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

**FISCAL NOTE**

The decrease in the number of lobster and crab fishing licenses that will be sold will reduce General Fund revenue collected by the Department of Marine Resources. The amounts will depend on the number and extent of limited entry zone restrictions that are established by rule and can not be determined at this time. Allowing the establishment of limited entry zone restrictions will also have the effect of reducing undetermined amounts of dedicated revenue collected by the Department of Marine Resources and the Lobster Promotion Council.

Public Law 1999, chapter 16, the "Part 1" current services budget, includes adequate funding for the Department of Marine Resources to reprogram computerized licensing systems with the changes required by this bill to track certain qualifications pertaining to lobster and crab fishing licenses. The additional reprogramming costs can be absorbed by the department utilizing existing budgeted resources.

The Department of Marine Resources will incur some minor additional costs to adopt certain rules proposed by lobster

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management policy councils. These costs can be absorbed within the department's existing budgeted resources.'

SUMMARY

This amendment clarifies the process by which rules establishing limited entry for a lobster management zone may be proposed and adopted and authorizes the Commissioner of Marine Resources to establish by rule procedures to implement limited entry by zone.

The amendment authorizes a person to request up to 2 limited-entry zones that the person wishes to declare as that person's declared lobster zone and specifies that the person is taken off the waiting list of the 2nd zone if authorized to declare one of the zones as that person's declared lobster zone. The amendment requires a person to declare a zone within 30 days after receiving notification by certified mail that the person is authorized to do so. If the person fails to declare a zone within that 30-day period, that person must be taken off the waiting list.

The amendment strikes the section of the bill that would have established a trap tag limit for new zone entrants who have met the requirements of the apprentice program.

The amendment also strikes the requirement that the Lobster Advisory Council 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 amendment adds a fiscal note to the bill.