

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1992

H.P. 1386

House of Representatives, March 23, 1999

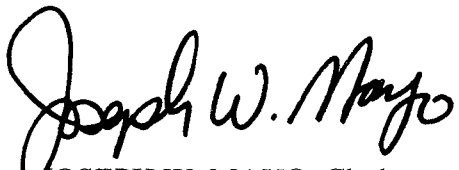
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### **An Act to Limit Entry into the Lobster Fishery by Zone.**

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Reported by Representative ETNIER for the Joint Standing Committee on Marine Resources pursuant to Public Law 1997, chapter 747, section 2.

Reference to the Joint Standing Committee on Marine Resources suggested and printing ordered under Joint Rule 218.

  
JOSEPH W. MAYO, Clerk

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

2           Sec. 1. 12 MRSA §6446, sub-§1-A is enacted to read:

4           1-A. Declared lobster zone. A person shall declare on an  
6 application for a Class I, Class II or Class III lobster and crab  
8 fishing license the lobster management zone in which that person  
10 proposes to fish a majority of that person's lobster traps. A  
license must identify the zone in which the person is authorized  
to fish a majority of that person's lobster traps.

12           Sec. 2. 12 MRSA §6448 is enacted to read:

14           **§6448. Limited-entry zones**

16           1. Definitions. As used in this section, unless the  
18 context otherwise indicates, the following terms have the  
following meanings.

20           A. "Declared lobster zone" means the zone identified on a  
22 lobster and crab fishing license pursuant to section 6446,  
subsection 1-A.

24           B. "Limited-entry zone" means a lobster management zone  
26 established pursuant to section 6446 for which rules  
establishing limits on new zone entrants have been adopted  
pursuant to subsection 2.

28           C. "New zone entrant" means a person who declares a  
30 limited-entry zone as that person's declared lobster zone  
32 but who did not hold in the previous licensing year a Class  
I, Class II or Class III lobster and crab fishing license  
34 that identified that zone as the person's declared lobster  
zone.

36           2. Rules for limited-entry zones. A lobster management  
38 policy council may propose to the commissioner rules for a zone  
to establish limits on new zone entrants. The commissioner may  
40 adopt rules for a lobster management zone that establish limits  
on new zone entrants only when the rules are proposed by the  
42 lobster management policy council established for that zone  
pursuant to section 6447, subsection 1. The rules may establish  
44 an exit ratio of the number of individuals who held licenses in  
the year prior to the previous calendar year on which the zone  
46 was the declared lobster zone but did not renew those licenses in  
the previous calendar year with that zone as the declared lobster  
48 zone for one new zone entrant to be authorized under subsection  
7. Rules adopted pursuant to this section are routine technical  
50 rules as defined in Title 5, chapter 375, subchapter II-A.

2 The Lobster Advisory Council shall establish procedures for a  
3 lobster management policy council to follow in proposing an exit  
4 ratio to limit new zone entrants.

5 3. Fishing in limited-entry zones. A person who holds a  
6 Class I, Class II or Class III lobster and crab fishing license  
7 may not fish a majority of that person's lobster traps in a  
8 limited-entry zone unless that person's license identifies that  
9 zone as the declared lobster zone.

10 4. Limited-entry zone as declared lobster zone. A person may  
11 not be issued a Class I, Class II or Class III lobster and crab  
12 fishing license that identifies a limited-entry zone as the  
13 declared lobster zone unless that person:

14 A. Held in the previous licensing year a Class I, Class II  
15 or Class III lobster and crab fishing license that  
16 identified that zone as the person's declared lobster zone;  
17 or

18 B. Is authorized as a new zone entrant by the commissioner  
19 pursuant to subsection 7 to declare that zone as the  
20 person's declared lobster zone.

21 5. Application for limited-entry zone. A person who wishes  
22 to declare a limited-entry zone as that person's declared lobster  
23 zone shall indicate on that person's application for a Class I,  
24 Class II or Class III lobster and crab fishing license between  
25 October 15th and December 15th of the previous licensing year a  
26 request to declare that zone as the person's declared lobster  
27 zone. The commissioner shall stamp each lobster and crab fishing  
28 license application that contains such a request with the time  
29 and date of submission.

30 6. Public waiting list. The commissioner shall maintain  
31 and make available a waiting list in chronological order of  
32 people who have requested to declare a limited-entry zone as  
33 their declared lobster zone.

34 7. Authorization of new zone entrants. The commissioner  
35 shall determine by February 1st of each licensing year the number  
36 of new zone entrants that may be authorized for each  
37 limited-entry zone. The number of new zone entrants authorized  
38 in a licensing year must be in accordance with the exit ratio  
39 established under subsection 2 for that zone. The commissioner  
40 shall authorize new zone entrants in chronological order of  
41 requests received under subsection 5. The commissioner shall  
42 notify the authorized new zone entrants by certified mail. If a  
43 person does not declare a zone after being authorized to do so,

2 that person must be taken off the waiting list and the next  
3 person on the list must be authorized as a new zone entrant.

4 8. Trap tag limit. A person who is issued a Class I, Class  
5 II or Class III lobster and crab fishing license for the first  
6 time after meeting the requirements of the apprentice program  
7 under section 6422 and whose license identifies a limited-entry  
8 zone as that person's declared lobster zone may not be issued  
9 trap tags in a number greater than the average number of trap  
10 tags purchased by license holders in the zone for the previous  
11 year. In years following the initial licensing year, the license  
12 holder may be issued no more than a 10% increase in trap tags  
13 from the number of trap tags issued for the previous licensing  
14 year.

15 9. Exception. Notwithstanding subsection 4, a person who  
16 holds a Class I lobster and crab fishing license and who is under  
17 18 years of age or is 70 years of age or older may declare any  
18 zone as that person's declared lobster zone.

19  
20 **Sec. 3. Report.** The Lobster Advisory Council shall report to  
21 the Joint Standing Committee on Marine Resources by February 1,  
22 2000 on methods to limit effort in the lobster fishery for the  
23 purpose of conserving the lobster resource. The Lobster Advisory  
24 Council, in consultation with the lobster management policy  
25 councils and members of the lobster management zones, shall  
26 consider methods to control effort and the potential impacts of  
27 those methods on traditional fishing practices. Methods to be  
28 considered may include, but are not limited to, the following:  
29 establishing a tiered license program; providing for the transfer  
30 of a license to a family member; increasing license and trap tag  
31 fees; and instituting more severe penalties for violations of  
32 laws relating to the lobster resource.

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## 35 SUMMARY

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37 **38** This bill implements one of the recommendations of the  
39 Lobster Advisory Council regarding limited entry into the lobster  
40 fishery. It authorizes a lobster management policy council  
41 established for a lobster management zone to propose limits on  
42 new zone entrants to that zone and authorizes the Commissioner of  
43 Marine Resources to adopt rules establishing those limits. The  
44 limits would be based on an exit ratio of licenses that were not  
45 renewed to new zone entrants.

46

47 The bill requires the commissioner to maintain a waiting  
48 list of people who have requested to fish a majority of their  
49 traps in a limited-entry zone and to authorize people as new zone  
50 entrants in chronological order in accordance with the exit ratio.

2           The bill establishes for new zone entrants who have met the  
requirements of the apprentice program a trap tag limit of the  
4           average number of trap tags in the zone. Those license holders  
may increase their trap tags by 10% each year.

6           The bill also requires the Lobster Advisory Council to  
report to the Joint Standing Committee on Marine Resources by  
8           February 1, 2000 on methods to limit effort in the lobster  
fishery for the purpose of conserving the lobster resource.