

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

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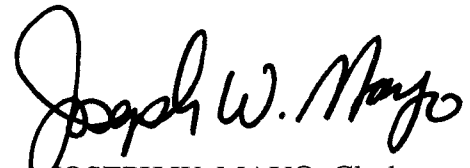
H.P. 1387

House of Representatives, March 23, 1999

An Act to Establish an Appeals Process for Lobster Fishing License Denial.

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

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


JOSEPH W. MAYO, Clerk

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

4 **Sec. 1. 12 MRSA §6423 is enacted to read:**

6 **§6423. Lobster License Appeals Board**

8 **1. Lobster License Appeals Board established; purpose.** The
10 Lobster License Appeals Board, referred to in this section as the
12 "board," is established to review appeals on an individual basis
14 when a person appeals the denial of a license application
pursuant to subsection 3. The board shall make a recommendation
to the commissioner for the approval or denial of an appeal. The
commissioner shall render the final decision on any appeal.

16 **2. Membership.** The board consists of 3 voting members
18 appointed by the commissioner with the advice of the Lobster
Advisory Council. The commissioner shall appoint the following
members:

20 A. Two standing members, one of whom holds a lobster and
22 crab fishing license and one of whom is a member of the
general public and does not hold a lobster and crab fishing
license; and

24 B. An ad hoc member, appointed for each appeal, who holds a
26 lobster and crab fishing license and who fishes in the same
lobster management zone established pursuant to section 6446
28 as the person who has appealed the license denial.

30 **3. Appeal of license denial.** A person who is denied a
32 lobster and crab fishing license because the person does not meet
the eligibility requirements of section 6421, subsection 5 may
appeal that license denial to the board.

34 **4. Criteria for license approval under appeal.** A license may
36 only be issued on appeal if the following criteria are met:

38 A. The person documents a medical reason for not meeting the
40 eligibility requirements of section 6421, subsection 5 or
the person documents service in the United States Armed
42 Forces that precluded participation in the lobster fishery;
and

44 B. The person held a lobster license for at least 5
46 consecutive years in the last 15 years or the individual
held a Class I, Class II or Class III lobster and crab
48 fishing license prior to 1997 and documents that the person
harvested lobsters prior to 1997.

50 **5. Trap tags limit.** A person who is issued a license on

2 appeal under this section may not purchase a number of trap tags
3 greater than:

4 A. The number of trap tags purchased by the person for the
5 most recent year in which the person held a lobster and crab
6 fishing license if the person held a lobster and crab
7 fishing license in 1996, 1997 or 1998. In no case may a
8 person purchase a number of trap tags greater than the trap
9 limit established by rule for a lobster management zone in
10 which that person fishes; or

11 B. The average number of trap tags purchased by license
12 holders in the lobster management zone in which the person
13 predominantly harvests lobsters if the person did not hold a
14 lobster and crab fishing license in 1996, 1997 or 1998.
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17 **SUMMARY**

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20 This bill implements one of the recommendations of the
21 Lobster Advisory Council regarding limited entry into the lobster
22 fishery. It establishes a Lobster License Appeals Board composed
23 of 3 members appointed by the Commissioner of Marine Resources to
24 review appeals from individuals who are denied a lobster and crab
25 fishing license because they do not meet the eligibility
26 requirements for a license. The board shall make recommendations
27 to the commissioner regarding the approval or denial of an
28 appeal, and the commissioner shall make the final decision on an
appeal.