

MAINE STATE LEGISLATURE

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**MINORITY
MARINE RESOURCES**

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

COMMITTEE AMENDMENT "B" to H.P. 1846, L.D. 2583, Bill, "An Act Regarding Waiting Lists for Limited-entry Lobster Management Zones"

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

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, 4 lobster management zones have begun the process of closing the zones to new zone entrants; and

Whereas, many lobster and crab fishing license holders wish to get on the waiting lists for the closed zones; and

Whereas, lobster management policy councils may wish to authorize apprentices who have finished the apprentice program to fish in a closed zone; and

Whereas, it is important to clarify the waiting list process for limited-entry zones as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §6448, sub-§2, ¶¶A and C, as enacted by PL

COMMITTEE AMENDMENT

1999, c. 508, §3, are amended to read:

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 may also propose to the commissioner a provision for an individual who became eligible for but had not been issued a Class I, Class II or Class III license pursuant to section 6421, subsection 5, paragraph C or H prior to January 1, 2000 and an individual who held a student lobster and crab fishing license or an apprentice lobster and crab fishing license pursuant to section 6421 as of September 19, 1999 to be exempt from the requirements in this section and allowed to declare the zone as that individual's declared lobster zone. The lobster management policy council is not required to submit 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.

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. Rules adopted under this subsection may exempt from the requirements of this section an individual who became eligible for but who had not been issued a Class I, Class II or Class III license pursuant to section 6421, subsection 5, paragraph C or H prior to January 1, 2000 and an individual who held a student lobster and crab fishing license or an apprentice lobster and crab fishing license pursuant to section 6421 as of September 19, 1999 and allow such an individual to declare the zone as that individual's declared lobster zone.

Sec. 2. 12 MRSA §6448, sub-§§5 to 7, as enacted by PL 1999, c. 508, §3, are amended to read:

5. Application for limited-entry zone. A person who wishes to declare a limited entry zone as that person's declared lobster zone be a new zone entrant shall indicate on that person's application for a Class I, Class II or Class III lobster and crab fishing license between October 15th and December 15th of the previous licensing year to the commissioner in writing a request to declare that a limited-entry zone as the person's declared

lobster zone, in accordance with this subsection. A person may indicate up to 2 limited-entry zones that the person requests to declare as the person's declared lobster zone. The commissioner shall stamp each lobster-and-crab-fishing-license-application that--contains--such--a request with the time and date of submission. A person may not be authorized as a new zone entrant unless that person made a request under this subsection no later than December 15th of the previous calendar year.

A. A person who held a Class I, Class II or Class III lobster and crab fishing license in the previous licensing year and wishes to be a new zone entrant shall indicate to the commissioner in writing a request to declare a limited-entry zone as the person's declared lobster zone. The person must be put on a waiting list maintained under subsection 6 according to the time and date the commissioner receives the request.

B. A person who did not hold a Class I, Class II or Class III lobster and crab fishing license in the previous licensing year and wishes to be a new zone entrant shall indicate to the commissioner in writing which zone the person requests to declare as the person's declared lobster zone. The person must be put on a waiting list maintained under subsection 6 according to the date the commissioner determines that the person is eligible for a Class I, Class II or Class III lobster and crab fishing license pursuant to section 6421, subsection 5, except that if the person does not indicate to the commissioner in writing which zone the person requests to declare as the person's declared lobster zone within 30 days of the date the commissioner determines that the person is eligible, the person must be put on the waiting list according to the time and date the commissioner receives such a written request.

6. Chronological waiting list. The commissioner shall maintain and make available a waiting list in-chronological-order of people who have requested to declare a limited-entry zone as their declared lobster zone. The list must be arranged in chronological order in accordance with subsection 5. The commissioner shall create a waiting list for a zone at the time the commissioner closes the zone pursuant to subsection 2, paragraph D.

7. Authorization of new zone entrants. The commissioner shall determine by February 1st of each licensing year the number of new zone entrants that may be authorized for each limited-entry zone. The number of new zone entrants authorized in a licensing year must be in accordance with the exit ratio established under subsection 2 for that zone. The commissioner

shall authorize new zone entrants in chronological order of requests received under subsection 5. The commissioner shall notify the authorized new zone entrants by certified mail. If a person does not declare a zone within 30 days after receiving the notification by certified mail, that person must be taken off the waiting list and the next person on the list must be authorized as a new zone entrant. 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. If a person who holds a current Class I, Class II or Class III license is authorized as a new zone entrant and declares the zone as that person's declared lobster zone, the commissioner shall change the zone identified on that person's license to the limited-entry zone for which the person is authorized.

Sec. 3. Transition; closed zones. The Commissioner of Marine Resources shall send a notification to all persons who became eligible for a Class I, Class II or Class III lobster and crab fishing license pursuant to the Maine Revised Statutes, Title 12, section 6421, subsection 5, paragraph C or H prior to the effective date of this Act but who have not yet been issued a license. The notification must state that if the person wishes to declare a zone that is closed pursuant to section 6448 as that person's declared lobster zone, the person must indicate to the commissioner in writing which zone the person wishes to declare. A person who submits such a request in writing within 30 days of receiving the notification must be placed on the waiting list for the requested zone according to the date the commissioner determined that the person was eligible for a Class I, Class II or Class III lobster and crab fishing license. A person who does not submit such a request in writing within 30 days of receiving the notification must be placed on the waiting list for the requested zone according to the date upon which the written request is received by the commissioner.

A person who held a Class I, Class II or Class III lobster and crab fishing license in the previous licensing year and indicated to the commissioner in writing a request to declare a limited-entry zone as the person's declared lobster zone prior to the effective date of this Act must be placed on the waiting list for the requested zone according to the date upon which the written request is received by the commissioner.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.'

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

FISCAL NOTE

The Department of Marine Resources will incur some minor additional costs to administer waiting list requirements for limited-entry lobster management zones and to send out certain required notices. These costs can be absorbed within the department's existing budgeted resources.'

SUMMARY

This amendment, which is the minority report of the committee, replaces the bill and adds an emergency clause and an emergency preamble. The amendment authorizes a lobster management policy council that is proposing to limit new zone entrants to the zone to also propose to the Commissioner of Marine Resources to adopt rules allowing apprentice or student lobster and crab fishing license holders who became eligible for a Class I, Class II or Class III license prior to January 1, 2000 or who held an apprentice or student license as of September 19, 1999 to be issued a license that identifies the limited-entry zone as that person's declared lobster zone.

The amendment clarifies the process for a person to request to declare a limited-entry zone as the person's declared lobster zone and requires the Commissioner of Marine Resources to create a waiting list for a zone at the time the commissioner closes the zone pending rulemaking to establish an exit ratio for that zone. The amendment also establishes a process for people who became eligible for a Class I, Class II or Class III lobster and crab fishing license prior to the effective date of this legislation to be put on a waiting list according to the date they became eligible.

It adds a fiscal note to the bill.