MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 379

H.P. 301

House of Representatives, January 30, 2001

Millient M. Mac failand

An Act to Amend the Lobster Fishing Owner and Operator Laws to Allow Limited Charter Vessel Operation.

(EMERGENCY)

Reference to the Committee on Marine Resources suggested and ordered printed.

MILLICENT M. MacFARLAND, Clerk

Presented by Representative ETNIER of Harpswell. Cosponsored by Representatives: COLLINS of Wells, HONEY of Boothbay, Senator: LEMONT of York.

	Emergency preamble. Whereas, Acts of the Legislature do not
2	become effective until 90 days after adjournment unless enacted as emergencies; and
4	Whereas, the 90-day period may not terminate until after the
6	fishing season has begun; and
8	Whereas, the changes made in this Act will affect this year's fishing season; and
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12	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
14	necessary for the preservation of the public peace, health and safety; now, therefore,
16	Be it enacted by the People of the State of Maine as follows:
18	
20	Sec. 1. 12 MRSA §6431-E, sub-§3, ¶¶C and D, as enacted by PL 1997, c. 693, §1 and affected by §3, are amended to read:
22	C. Documents to the commissioner by December 31, 2000 that that person fished for or took lobsters during the
24	qualifying period in each of calendar years 1995, 1996 and 1997 from the same vessel and that vessel did not have on
26	board an individual who meets the criteria of subsection 2, paragraph A or B. A person may not qualify for the
28	exemption under this paragraph unless that person continues to fish for or take lobsters from the vessel from which the
30	person harvested lobsters during the qualifying period in each of calendar years 1995, 1996 and 1997, or from a
32	replacement vessel; er
34	D. An individual, partnership, corporation or other entity documents to the commissioner by December 31, 2000 that that
36	individual or partnership, corporation or other entity rented, leased or otherwise made available that vessel to
38	the holder of a Class I, Class II or Class III lobster and crab fishing license during the qualifying period in each of
40	calendar years 1995, 1996 and 1997 for the purpose of
42	fishing for or taking lobsters. A person authorized under this paragraph may fish for or take lobsters only from the
44	vessel that was made available during the qualifying period in each of calendar years 1995, 1996 and 1997, or a
46	replacement vessel.: or Sec. 2. 12 MRSA §6431-E, sub-§3, ¶E is enacted to read:

E. The person is licensed by the United States Coast Guard

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to operate a passenger-carrying vessel in coastal waters.

The vessel must be inspected by the United States Coast Guard and documented and licensed by the United States Coast Guard to carry passengers. No more than 40 lobster traps may be fished from that vessel. The owner of the vessel shall notify the commissioner in writing on an annual basis, prior to the vessel being utilized to fish for or take lobsters, of the name and lobster license number of any person who will be using the vessel to fish for lobsters during that calendar year.

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

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16 SUMMARY

This bill allows a person who is licensed by the United States Coast Guard to operate a passenger-carrying vessel that is documented, licensed and inspected by the Coast Guard in coastal waters to fish for or take lobster when the owner or family member is not on board of the vessel. The owner shall notify the commission in writing annually prior to the vessel being used to fish for or take lobsters.