

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 1996

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H.P. 1493

House of Representatives, December 26, 2001

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**An Act to Establish Educational Requirements for Granting  
Noncommercial Lobster Licenses.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2001. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative ETNIER of Harpswell.  
Cosponsored by Senator EDMONDS of Cumberland and  
Representatives: DAVIS of Falmouth, DUNLAP of Old Town, KOFFMAN of Bar Harbor,  
MAYO of Bath, Senator: GOLDTHWAIT of Hancock.

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

Sec. 1. 12 MRSA §6421, sub-§5-B is enacted to read:

5-B. Noncommercial lobster and crab fishing license eligibility. Beginning with license year 2003, a noncommercial lobster and crab fishing license may be issued only to a person who has successfully completed a lobster and crab fishing education course and written examination, as provided in section 6423. Once a person successfully completes the course and examination, that person need not repeat the course and examination to renew the license.

Sec. 2. 12 MRSA §6423 is enacted to read:

§6423. Lobster and crab fishing education program

The commissioner shall establish an education program in accordance with this section for training applicants for noncommercial lobster and crab fishing licenses.

1. Curriculum. The program must include, at a minimum, a review of:

A. Existing laws and rules governing lobster and crab fishing;

B. Penalties for violations of laws and rules governing lobster and crab fishing;

C. Basic lobster and crab management structure; and

D. Traditional lobster and crab fishing practices.

2. Written examination. The program must conclude with a written examination.

3. Surcharge; credit to Lobster Management Fund. The commissioner shall set a surcharge, not to exceed \$15, sufficient to recover the costs incurred by the department in providing the program. The commissioner may provide copies of the education materials developed under this section to an applicant for another lobster and crab fishing license upon receipt of the surcharge. Surcharges collected under this subsection must be credited to the Lobster Management Fund established in section 6431-C.

Sec. 3. 12 MRSA §6431-C, sub-§2, as amended by PL 2001, c. 93, §2, is further amended to read:

2           **2. Purpose.** All money credited to the Lobster Management  
4 Fund must be used to cover the costs of trap tags and the  
6 administration and enforcement of a lobster trap tag system under  
8 section 6431-B, the costs associated with lobster management  
10 policy councils and referenda pursuant to section 6447, costs  
12 associated with the Lobster Advisory Council not supported by the  
14 General Fund and, the costs associated with determining  
eligibility for lobster and crab fishing licenses and eligibility  
to fish for or take lobsters from a vessel and the costs  
associated with the provision of educational programs, for which  
a surcharge is collected from the enrollee, pursuant to section  
6423.

16           **Sec. 4. License year for noncommercial lobster and crab fishing**  
18 **license.** Notwithstanding the Maine Revised Statutes, Title 12,  
20 chapter 619, for 2003, the license year for noncommercial lobster  
and crab fishing licenses issued pursuant to Title 12, section  
6421 begins May 1, 2003 and ends December 31, 2003.

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#### SUMMARY

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26           This bill directs the Commissioner of Marine Resources to  
28 establish an educational program for training applicants for  
noncommercial and crab fishing licenses and requires that,  
beginning in 2003, applicants for noncommercial lobster and crab  
30 fishing licenses successfully complete the course and pass a  
written test. Under this bill, a surcharge will be collected  
32 from persons taking the course sufficient to cover the costs to  
the department in providing the program. Surcharges collected  
will be deposited in the Lobster Management Fund.