

MAINE STATE LEGISLATURE

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DATE: 1-7-04

(Filing No. H-628)

MINORITY
MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 219, L.D. 276, Bill, "An Act to Allow the Sale of Lobster and Crab Fishing Licenses"

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

'Sec. 1. 12 MRSA §6424 is enacted to read:

§6424. Sale of commercial lobster and crab fishing license

The provisions of this section govern the sale of a Class I, Class II or Class III lobster and crab fishing license. Nothing in this section establishes a property right in a Class I, Class II or Class III lobster and crab fishing license.

1. Sale of lobster and crab fishing license. A person who holds a valid Class I, Class II or Class III lobster and crab fishing license may sell that license to another person as provided under subsection 2, as long as the following requirements are met.

A. The seller of the lobster and crab fishing license must provide documentation to the department demonstrating that the seller has fished under that license for at least 5 years and during that time derived a minimum of 51% of the seller's net annual income from lobster fishing.

B. The seller may sell the lobster and crab fishing license only in conjunction with the sale of the seller's boat and

2 gear. A license may be sold only with a boat that by design
3 is capable of being used to commercially fish for lobsters
4 and that was used under the seller's license extensively for
5 that purpose.

6 C. The buyer must pass a written lobster fishing exam
7 established and administered by the department before
8 purchasing a lobster and crab fishing license under this
9 subsection.

10 D. A person may not purchase a lobster and crab fishing
11 license under this subsection if that person already holds a
12 Class I, Class II or Class III lobster and crab fishing
13 license.

14 E. A person may not sell a suspended or revoked lobster and
15 crab fishing license.

16 2. Price and administration. The department shall
17 administer the sale of a lobster and crab fishing license, and
18 the buyer shall pay the purchase price of the license directly to
19 the department. The department shall determine the price paid
20 for a lobster and crab fishing license sold under this section,
21 but the price may not be less than \$5,000 or more than \$10,000.
22 The seller of the license is not entitled to the revenue derived
23 from the sale of that license. Revenues raised under this
24 subsection must be deposited in the Lobster Fund described in
25 section 6451.

26 3. Apprenticeship program. A person who purchases a
27 lobster and crab fishing license under this section is exempt
28 from the requirements of section 6422.

29 4. Surcharge. The seller and buyer of a lobster and crab
30 fishing license under this section shall jointly pay a 5%
31 surcharge on the purchase price of the license, boat and gear to
32 the Lobster Promotion Fund established in section 6455.'

SUMMARY

33 This amendment is the minority report and replaces the
34 bill. This amendment authorizes the sale of a Class I, Class II
35 or Class III lobster and crab fishing license by the person
36 holding that license under the following circumstances:

37 1. The seller must have fished under that license for at
38 least 5 years and derived at least 51% of that person's net
39 annual income from lobster fishing;

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2 2. The seller may sell the license only as part of the sale
of that seller's boat and gear;

4 3. The buyer must have passed a lobster fishing exam
administered by the Department of Marine Resources before the
6 purchase of the license; and

8 4. A person may not purchase a license if that person
already holds a Class I, Class II or Class III lobster and crab
10 fishing license.

12 5. The license may not be suspended or revoked.

14 Additionally, the amendment authorizes the department to set
the purchase price of the license between \$5,000 and \$10,000 and
16 requires that the revenues generated solely from the sale of the
license go to the department. The seller retains the revenues
18 from the sale of the boat and gear. Finally, the amendment
establishes a 5% surcharge on the purchase price of the license,
20 boat and gear to be paid jointly by the buyer and seller.
Revenues generated by this surcharge must be deposited in the
22 Lobster Promotion Fund.

24

FISCAL NOTE REQUIRED
(See attached)

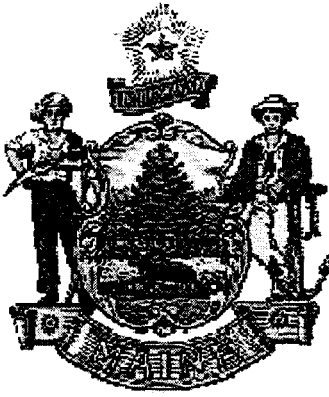
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COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**

LD 276

An Act to Allow the Sale of Lobster and Crab Fishing Licenses



LR 0730(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Marine Resources

Fiscal Note Required: Yes

Minority Report

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Revenue				
Other Special Revenue Funds	\$0	\$1,181,250	\$1,181,250	\$1,181,250

Fiscal Detail and Notes

Beginning in fiscal year 2004-05, allowing the sale of commercial lobster and crab fishing licenses will yield an estimated \$1,125,000 in additional annual Other Special Revenue Funds revenue for the Lobster Fund within the Department of Marine Resources. It is also estimated that the sale of these licenses will also generate additional annual surcharge revenues of \$56,250 for the Lobster Promotion Council beginning in fiscal year 2004-05.