

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

M  
R.S.

L.D. 277

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48

DATE: 5-12-03

(Filing No. H-331)

**MINORITY  
MARINE RESOURCES**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 220, L.D. 277, Bill, "An Act to Amend the Eligibility Requirements for a Lobster and Crab Fishing License"

Amend the bill by striking out the title and substituting the following:

**'An Act To Establish the Lobster License Appeal Committee and To Amend the Apprenticeship Requirements for a Lobster and Crab Fishing License'**

Further 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 §6421, sub-§5-C is enacted to read:**

**5-C. Waiver of apprenticeship requirement. Notwithstanding subsection 5 and upon the recommendation of the Lobster License Appeal Committee established under section 6424, the commissioner shall waive the apprenticeship requirement and:**

**A. If the applicant's zone does not have a waiting list, issue that applicant a lobster and crab fishing license within 2 years of the waiver; or**

**B. If the applicant's zone has a waiting list, place that applicant at the end of the waiting list 2 years after the waiver is granted.**

**This subsection is repealed on July 1, 2008.**

**COMMITTEE AMENDMENT**

2           Sec. 2. 12 MRSA §6424 is enacted to read:

4           §6424. Lobster License Appeal Committee

6           The Lobster License Appeal Committee, referred to in this  
8           section as "the committee," is established within the  
10           department. The department shall administer the appeals process  
12           and provide funding from existing department resources to cover  
14           costs associated with the committee. All lobster and crab  
          fishing license applications for review must be made to the  
          department as required by the commissioner. The provisions of  
          Title 1, chapter 13, subchapter 1 do not apply to meetings of the  
          committee.

16           1. Reviews. The committee shall review applications for  
18           lobster and crab fishing licenses from persons who held valid  
20           commercial lobster fishing licenses in the State for at least 4  
22           consecutive years in the past but who failed to renew those  
24           licenses for reasons that constitute extraordinary circumstances  
26           and who are not eligible to renew those licenses without meeting  
28           the apprenticeship requirement under section 6421. The committee  
30           shall review each application to determine whether the  
32           circumstances surrounding the applicant's failure to renew the  
          license constitutes extraordinary circumstances and whether or  
          not the commissioner should exercise the commissioner's authority  
          under section 6421, subsection 5-C to waive the apprenticeship  
          requirement. For the purpose of this section, the term  
          "extraordinary circumstances" includes, but is not limited to,  
          poor health, military service, financial hardship and inability  
          to find work under the apprentice program. The committee may not  
          meet more than twice in any 12-month period.

34           2. Duties. If the committee determines that the  
36           circumstances that caused an applicant's failure to renew a  
38           license constitute extraordinary circumstances, the committee may  
40           recommend that the commissioner exercise the commissioner's  
42           authority under section 6421, subsection 5-C to waive the  
          apprenticeship requirement. The committee's recommendation to  
          the commissioner must be in writing and must include  
          documentation of all the facts upon which the committee based its  
          decision.

44           3. Members. The commissioner shall appoint committee  
46           members. Committee membership consists of a deputy commissioner,  
48           one member from each lobster management policy council and 3  
50           members representing the lobster industry. Only one member  
          representing a lobster management policy council may serve on the  
          committee at any one time and that member must be from the  
          lobster management zone affected by the application under

2 review. The deputy commissioner shall notify the member  
3 representing the appropriate lobster management policy council  
4 when that member's zone has an application pending before the  
5 committee. A lobster management policy council member may not  
6 attend meetings or vote on applications that do not affect that  
7 member's zone. Members are not entitled to a per diem or  
8 reimbursement of expenses for meetings of the committee.

9 This section is repealed July 1, 2008.'

10  
11 **SUMMARY**

12  
13 This amendment is the minority report of the Committee on  
14 Marine Resources. The amendment replaces the bill and allows the  
15 commissioner to waive the apprenticeship requirements for  
16 purchasing a lobster and crab fishing license for a person who  
17 held such a license in the past if the Lobster License Appeal  
18 Committee determines that the person failed to renew the previous  
19 license due to extraordinary circumstances, such as poor health,  
20 military service, financial hardship or inability to find work  
21 under the apprentice program. This amendment includes a sunset  
22 provision that repeals these provisions on July 1, 2008.  
23  
24

25 **FISCAL NOTE REQUIRED**  
26 **(See attached)**

121st Maine Legislature  
Office of Fiscal and Program Review



LD 277

An Act to Establish the Lobster License Appeal Committee and to  
Amend the Apprenticeship Requirements for a Lobster and Crab  
Fishing License

LR 0731(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Marine Resources

Fiscal Note Required: Yes

Minority Report

---

**Fiscal Note**

Current biennium cost increase - General Fund

**Fiscal Detail and Notes**

The requirement that the Department of Marine Resources shall provide funding for the newly established Lobster License Appeal Committee within existing resources may have the effect of reducing the level of currently budgeted services. The ultimate effect on departmental services and programs could be significant if a large number of appeals are made; the number of appeals that may be filed can not be determined at this time.