

MAINE STATE LEGISLATURE

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MARINE RESOURCES

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

COMMITTEE AMENDMENT "A" to H.P. 520, L.D. 703, Bill, "An Act To Change the Options for a Lobster Management Zone and To Change Entry Criteria for Noncommercial Licensees"

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-§3-A, ¶F, as enacted by PL 1995, c. 568, §1, is amended to read:

F. A noncommercial lobster and crab fishing license authorizes the license holder to engage in the licensed activities under subsection 2-A. A person issued a noncommercial lobster and crab fishing license may not submerge at any one time more than 5 lobster traps in the coastal waters of the State. At the time a noncommercial lobster and crab fishing license is issued or renewed, the applicant or license holder shall declare the vessel that will be used to conduct lobster and crab fishing activities under that license. The license holder's trap tags are allocated to that vessel, pursuant to the license. The department is not authorized to issue more than 10 noncommercial trap tags to the declared vessel, regardless of the number of noncommercial license holders fishing from that vessel.

Sec. 2. 12 MRSA §6446, sub-§1-A, as enacted by PL 1999, c. 508, §1, is amended to read:

1-A. Declared lobster zone. A person shall declare on an

2 application for a Class I, Class II or, Class III or
3 noncommercial lobster and crab fishing license the lobster
4 management zone in which that person proposes to fish a majority
5 of that person's lobster traps. A license must identify the zone
6 in which the person is authorized to fish a majority of that
7 person's lobster traps.

8 **Sec. 3. 12 MRSA §6446, sub-§2-B** is enacted to read:

10 2-B. Rules pursuant to section 6447, subsection 5-B. The
11 commissioner may adopt rules for a zone established under
12 subsection 1 that are proposed pursuant to section 6447,
13 subsection 5-B only when the rules were proposed by the lobster
14 management policy council established for that zone pursuant to
15 section 6447, subsection 1 and the proposed rules were approved
16 in a referendum pursuant to section 6447, subsection 6. The
17 commissioner may accept the rules proposed by a lobster
18 management policy council as reasonable and adopt those rules or
19 reject the council's proposed rules as unreasonable. The rules
20 adopted under this subsection by the commissioner must accurately
21 reflect the intent of the rules proposed by a lobster management
22 policy council but are not required to be a verbatim rendition of
23 the proposed rules.

24 This subsection is repealed June 1, 2006.

26 **Sec. 4. 12 MRSA §6447, sub-§5-B** is enacted to read:

28 5-B. Zone E council authority. Notwithstanding any other
29 provision in this subchapter, upon approval in a referendum under
30 subsection 6, a lobster management policy council for Zone E as
31 defined in rules adopted by the department may propose to the
32 commissioner rules for Zone E that do any or all of the following:

34 A. Increase the length of time an apprentice must be
35 enrolled in the apprentice program up to a maximum of 5
36 years. A proposal to increase the length of enrollment does
37 not apply to apprentices enrolled in the program at the time
38 that proposal takes effect;

40 B. Require a sponsor of an apprentice to have held a Class
41 I, Class II or Class III lobster and crab fishing license
42 for at least 5 years; or

44 C. Require that an apprentice may enter Zone E only if the
45 apprentice apprenticed in Zone E.

46 This subsection is repealed June 1, 2006.

2 **Sec. 5. Effective date.** Those sections of this Act that amend
the Maine Revised Statutes, Title 12, section 6421, subsection
3-A, paragraph F and section 6446, subsection 1-A take effect
4 January 1, 2004.'

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SUMMARY

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10 This amendment replaces the bill and requires that the
holder of or applicant for a noncommercial lobster and crab
12 fishing license declare both the lobster management zone in which
that person will fish and the vessel that will be used to conduct
fishing operations. It limits the number of noncommercial traps
14 that can be fished from a vessel to 10, regardless of the number
of noncommercial license holders that fish from that vessel. The
16 bill also expands the authority of the Zone E lobster management
policy council and repeals that expanded authority on June 1,
18 2006.

FISCAL NOTE REQUIRED
(See attached)

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

**LD 703**

**An Act To Change the Options for a Lobster Management Zone and To
Change Entry Criteria for Noncommercial Licensees**

LR 0506(03)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Net Cost (Savings)				
General Fund	\$16,400	\$32,800	\$49,200	\$65,600
Revenue				
General Fund	(\$16,400)	(\$32,800)	(\$49,200)	(\$65,600)
Other Special Revenue Funds	(\$2,000)	(\$4,000)	(\$6,000)	(\$8,000)

Fiscal Detail and Notes

Capping the number of noncommercial lobster and crab licenses that can be issued will decrease General Fund revenues collected by the Department of Marine Resources by \$16,400 and \$32,980 in fiscal years 2003-04 and 2004-05, respectively. In addition, these same actions will also decrease Other Special Revenue funds revenue collected by the department by \$2,000 and \$4,000 in fiscal years 2003-04 and 2004-05, respectively.