

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1209

S.P. 423

In Senate, March 10, 2005

**Resolve, To Create the Task Force To Study Commercial Lobster  
Fishing in Offshore Waters**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BARTLETT of Cumberland.  
Cosponsored by Senators: BRENNAN of Cumberland, COWGER of Kennebec, DOW of  
Lincoln.

2           **Sec. 1. Task force established. Resolved:** That the Task Force to  
Study Commercial Lobster Fishing in Offshore Waters, referred to  
4           in this resolve as "the task force," is established; and be it  
further

6           **Sec. 2. Task force membership. Resolved:** That the task force  
consists of 11 members appointed as follows:

8  
10           1. One member of the Senate, appointed by the President of  
the Senate. When making the appointment, the President of the  
12           Senate shall give preference to members who serve on the Joint  
Standing Committee on Marine Resources;

14           2. Two members of the House of Representatives, appointed  
by the Speaker of the House. When making the appointments, the  
16           Speaker of the House shall give preference to members who serve  
on the Joint Standing Committee on Marine Resources;

18  
20           3. One person representing the Lobster Advisory Council,  
established in the Maine Revised Statutes, Title 5, section  
22           12004-I, subsection 58, appointed by the President of the Senate,  
upon recommendation of the chair of the Lobster Advisory Council;

24           4. One person representing the Lobster Promotion Council,  
established in Title 12, section 6455, appointed by the President  
26           of the Senate, upon recommendation of the chair of the Lobster  
Promotion Council;

28  
30           5. Three persons representing lobster management policy  
councils, established under Title 12, section 6447, appointed by  
32           the Speaker of the House, upon recommendation of the Commissioner  
of Marine Resources; each person must represent a different  
34           lobster management zone;

36           6. Two persons, each of whom must hold a Maine lobster and  
crab fishing license and a federal permit to fish in federal  
38           Offshore Lobster Management Area 3, as defined by the National  
Oceanic and Atmospheric Administration, National Marine Fisheries  
40           Service, appointed by the Commissioner of Marine Resources; and

42           7. One person who is a marine scientist with expertise in  
lobsters, appointed by the Commissioner of Marine Resources.

44           One of the legislative members of the task force must be the  
Legislator currently serving on the Atlantic States Marine  
46           Fisheries Commission. The composition of the task force must  
reflect a geographical distribution along the coast; and be it  
48           further

2           **Sec. 3. Chairs. Resolved:** That the first-named Senate member  
is the Senate chair of the task force and the first-named House  
of Representatives member is the House chair of the task force;  
4 and be it further

6           **Sec. 4. Appointments; convening of task force. Resolved:** That all  
appointments must be made no later than 30 days following the  
8 effective date of this resolve. The appointing authorities shall  
notify the Executive Director of the Legislative Council once all  
10 appointments have been completed. Within 15 days after  
appointment of all members, the chairs shall call and convene the  
12 first meeting of the task force; and be it further

14           **Sec. 5. Duties. Resolved:** That the task force shall:

16           1. Identify and investigate problems facing persons who hold  
Maine lobster and crab fishing licenses who fish for lobsters in  
18 federal waters, with particular attention to issues related to  
fishing in federal Offshore Lobster Management Area 3, as defined  
20 by the National Oceanic and Atmospheric Administration, National  
Marine Fisheries Service;

22           2. Review the Atlantic States Marine Fisheries Commission's  
Interstate Fishery Management Plan for American Lobster and  
24 federal and state law and rules and regulations relevant to  
commercial lobster fishing in offshore waters;

26           3. Invite public comments and testimony regarding the  
28 subject of commercial lobster fishing in offshore waters; and

30           4. Develop recommendations, including suggested legislation,  
32 to address identified problems; and be it further

34           **Sec. 6. Staff assistance. Resolved:** That, upon approval of the  
Legislative Council, the Office of Policy and Legal Analysis  
36 shall provide necessary staffing services to the task force; and  
be it further

38           **Sec. 7. Compensation. Resolved:** That the legislative members  
40 of the task force are entitled to receive the legislative per  
diem, as defined in the Maine Revised Statutes, Title 3, section  
42 2, and reimbursement for travel and other necessary expenses  
related to their attendance at authorized meetings of the task  
44 force. Public members not otherwise compensated by their  
employers or other entities that they represent are entitled to  
46 receive reimbursement of necessary expenses and, upon a  
demonstration of financial hardship, a per diem equal to the  
48 legislative per diem for their attendance at authorized meetings  
of the task force; and be it further

2           **Sec. 8. Report. Resolved:** That, no later than January 1,  
4           2006, the task force shall submit a report that includes its  
6           findings and recommendations, including suggested legislation,  
8           for presentation to the Joint Standing Committee on Marine  
10           Resources and the Legislative Council. The task force is  
          authorized to introduce a bill related to its report to the  
          Second Regular Session of the 122nd Legislature at the time of  
          submission of its report; and be it further

12           **Sec. 9. Extension. Resolved:** That, if the task force requires  
14           a limited extension of time to complete its study and make its  
          report, it may apply to the Legislative Council, which may grant  
          an extension; and be it further

16           **Sec. 10. Task force budget. Resolved:** That the chairs of the  
18           task force, with assistance from the task force staff, shall  
20           administer the task force's budget. Within 10 days after its  
22           first meeting, the task force shall present a work plan and  
24           proposed budget to the Legislative Council for its approval. The  
26           task force may not incur expenses that would result in the task  
          force's exceeding its approved budget. Upon request from the  
          task force, the Executive Director of the Legislative Council  
          shall promptly provide the task force chairs and staff with a  
          status report on the task force budget, expenditures incurred and  
          paid and available funds.

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## SUMMARY

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32           This resolve establishes the Task Force to Study Commercial  
34           Lobster Fishing in Offshore Waters. The task force is directed to  
36           identify and investigate problems facing people in the State  
38           licensed to fish for lobster in federal waters, with particular  
40           attention to issues related to fishing in federal Offshore  
          Lobster Management Area 3, and to develop recommendations to  
          address identified problems. The task force is required to  
          submit a report by January 1, 2006 and is authorized to introduce  
          legislation related to its report to the Second Regular Session  
          of the 122nd Legislature.