

# MAINE STATE LEGISLATURE

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L.D. 1231

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MARINE RESOURCES

Minority

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 849, L.D. 1231, Bill, "An Act To Require Noncommercial Lobster Fishing License Holders To Participate in the Conservation Efforts of the Commercial Lobster Industry"

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 §6449 is enacted to read:

§6449. Limited entry; noncommercial

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Declared lobster zone" means the zone identified on a lobster and crab fishing license pursuant to section 6446, subsection 1-A.

B. "Limited-entry zone" means a lobster management zone established pursuant to section 6446 for which rules establishing limits on new zone entrants, as defined in section 6448, subsection 1, have been adopted pursuant to section 6448, subsection 2.

C. "Noncommercial new zone entrant" means a person who declares a limited-entry zone as that person's declared lobster zone for a noncommercial lobster and crab fishing

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2 license but who did not hold in the previous licensing year  
3 a noncommercial lobster and crab fishing license that  
4 identified that zone as the person's declared lobster zone.

6 2. Noncommercial limited entry. The commissioner may  
7 establish limits on noncommercial new zone entrants to a lobster  
8 management zone. For each limited-entry zone, the commissioner  
9 shall establish an exit ratio to apply to noncommercial new zone  
10 entrants that is equal to the exit ratio adopted pursuant to  
11 section 6448, subsection 2.

12 3. Noncommercial fishing in limited-entry zones. A person  
13 who holds a noncommercial lobster and crab fishing license may  
14 not fish a majority of that person's lobster traps in a  
15 limited-entry zone unless that person's license identifies that  
16 zone as the declared lobster zone.

18 4. Limited-entry zone as declared lobster zone. A person  
19 may not be issued a noncommercial lobster and crab fishing  
20 license that identifies a limited-entry zone as the declared  
21 lobster zone unless that person:

22 A. Held in the previous licensing year a noncommercial  
23 lobster and crab fishing license that identified that zone  
24 as the person's declared lobster zone; or

25 B. Is authorized as a noncommercial new zone entrant by the  
26 commissioner pursuant to subsection 7 to declare that zone  
27 as the person's declared lobster zone.

28 5. Application for limited-entry zone. A person who wishes  
29 to be a noncommercial new zone entrant shall indicate to the  
30 commissioner in writing a request to declare a limited-entry zone  
31 as the person's declared lobster zone, in accordance with this  
32 subsection. A person may indicate up to 2 limited-entry zones  
33 that the person requests to declare as the person's declared  
34 lobster zone. The commissioner shall stamp each request with the  
35 time and date of submission. A person may not be authorized as a  
36 noncommercial new zone entrant unless that person made a request  
37 under this subsection no later than December 15th of the previous  
38 calendar year.

39 A. A person who held a noncommercial lobster and crab  
40 fishing license in the previous licensing year and wishes to  
41 be a noncommercial new zone entrant shall indicate to the  
42 commissioner in writing a request to declare a limited-entry  
43 zone as the person's declared lobster zone. The person must  
44 be put on a noncommercial license waiting list maintained  
45 under subsection 6 according to the time and date the  
46 commissioner receives the request.

2        B. A person who did not hold a noncommercial lobster and  
4        crab fishing license in the previous licensing year and  
6        wishes to be a noncommercial new zone entrant shall indicate  
8        to the commissioner in writing which zone the person  
10       requests to declare as the person's declared lobster zone.  
12       The person must be put on a noncommercial license waiting  
14       list maintained under subsection 6 according to the date the  
16       commissioner determines that the person is eligible for a  
18       noncommercial lobster and crab fishing license pursuant to  
20       section 6421, subsection 5-B, except that, if the person  
22       does not indicate to the commissioner in writing which zone  
24       the person requests to declare as the person's declared  
26       lobster zone within 30 days of the date the commissioner  
28       determines that the person is eligible, the person must be  
30       put on the waiting list according to the time and date the  
32       commissioner receives such a written request.

34       6. Chronological waiting list: noncommercial. The  
36       commissioner shall maintain and make available a waiting list of  
38       people who have requested to declare a limited-entry zone as  
40       their declared lobster zone under a noncommercial lobster and  
42       crab fishing license. The list must be arranged in chronological  
44       order in accordance with subsection 5. The commissioner shall  
46       create a noncommercial license waiting list for a zone at the  
48       time the commissioner closes the zone pursuant to section 6448,  
50       subsection 2, paragraph D.

52       7. Authorization of noncommercial new zone entrants. The  
54       commissioner shall determine by February 1st of each licensing  
56       year the number of noncommercial new zone entrants that may be  
58       authorized for each limited-entry zone. The number of  
60       noncommercial new zone entrants authorized in a licensing year  
62       must be in accordance with the exit ratio established under  
64       subsection 2 for that zone. The commissioner shall authorize  
66       noncommercial new zone entrants in chronological order of  
68       requests received under subsection 5. The commissioner shall  
70       notify the authorized noncommercial new zone entrants by  
72       certified mail. If a person does not declare a zone within 30  
74       days after receiving the notification by certified mail, that  
76       person must be taken off the noncommercial license waiting list  
78       and the next person on the list must be authorized as a  
80       noncommercial new zone entrant. If a person has indicated a  
82       request for more than one zone pursuant to subsection 5, that  
84       person must be taken off the waiting list for the 2nd zone when  
86       the person declares one of the zones as that person's declared  
88       lobster zone after being authorized to do so. If a person who  
90       holds a current noncommercial license is authorized as a  
92       noncommercial new zone entrant and declares the zone as that  
94       person's declared lobster zone, the commissioner shall change the

**Ads**

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zone identified on that person's noncommercial license to the limited-entry zone for which the person is authorized.

8. Rules. The commissioner may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

### SUMMARY

This amendment replaces the bill and is the minority report of the committee. The amendment establishes limited-entry provisions for noncommercial lobster fishing. For each lobster management zone for which an exit ratio has been established to limit new entrants to the commercial lobster fishery, the amendment requires the Commissioner of Marine Resources to adopt an equal exit ratio to apply to entry into a zone for noncommercial license holders. The amendment establishes procedures for application, waiting lists and authorization of new entry of noncommercial lobster license holders into a limited-entry zone. These procedures are parallel to the limited-entry procedures for commercial lobster fishing.