

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1231

H.P. 849

House of Representatives, March 10, 2005

**An Act To Require Noncommercial Lobster Fishing License Holders
To Participate in the Conservation Efforts of the Commercial
Lobster Industry**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PERCY of Phippsburg.
Cosponsored by Senator DAMON of Hancock.

Be it enacted by the People of the State of Maine as follows:

2
3 **Sec. 1. 12 MRSA §6448, sub-§1, ¶C**, as enacted by PL 1999, c.
4 508, §3, is amended to read:

6 C. "New zone entrant" means a person who declares a
7 limited-entry zone as that person's declared lobster zone
8 but who did not hold in the previous licensing year a Class
9 I, Class II ~~or~~, Class III or noncommercial lobster and crab
10 fishing license that identified that zone as the person's
11 declared lobster zone.

12 **Sec. 2. 12 MRSA §6448, sub-§§3 and 4**, as enacted by PL 1999, c.
14 508, §3, are amended to read:

16 **3. Fishing in limited-entry zones.** A person who holds a
17 Class I, Class II ~~or~~, Class III or noncommercial lobster and crab
18 fishing license may not fish a majority of that person's lobster
19 traps in a limited-entry zone unless that person's license
20 identifies that zone as the declared lobster zone.

22 **4. Limited-entry zone as declared lobster zone.** A person may
23 not be issued a Class I, Class II ~~or~~, Class III or noncommercial
24 lobster and crab fishing license that identifies a limited-entry
25 zone as the declared lobster zone unless that person:

26 A. Held in the previous licensing year a Class I, Class II
27 ~~or~~, Class III or noncommercial lobster and crab fishing
28 license that identified that zone as the person's declared
29 lobster zone; or

32 B. Is authorized as a new zone entrant by the commissioner
33 pursuant to subsection 7 to declare that zone as the
34 person's declared lobster zone.

36 **Sec. 3. 12 MRSA §6448, sub-§5, ¶¶A and B**, as enacted by PL
38 1999, c. 693, §2, are amended to read:

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

48 B. A person who did not hold a Class I, Class II ~~or~~, Class
49 III or noncommercial lobster and crab fishing license in the
50 previous licensing year and wishes to be a new zone entrant

2 shall indicate to the commissioner in writing which zone the
3 person requests to declare as the person's declared lobster
4 zone. The person must be put on a waiting list maintained
5 under subsection 6 according to the date the commissioner
6 determines that the person is eligible for a Class I, Class
7 II ~~or~~ Class III or noncommercial lobster and crab fishing
8 license pursuant to section 6421, subsection 5, except that
9 if the person does not indicate to the commissioner in
10 writing which zone the person requests to declare as the
11 person's declared lobster zone within 30 days of the date
12 the commissioner determines that the person is eligible, the
13 person must be put on the waiting list according to the time
14 and date the commissioner receives such a written request.

15 **Sec. 4. 12 MRSA §6448, sub-§7**, as amended by PL 1999, c. 693,
16 §2, is further amended to read:

17 **7. Authorization of new zone entrants.** The commissioner
18 shall determine by February 1st of each licensing year the number
19 of new zone entrants that may be authorized for each
20 limited-entry zone. The number of new zone entrants authorized
21 in a licensing year must be in accordance with the exit ratio
22 established under subsection 2 for that zone. The commissioner
23 shall authorize new zone entrants in chronological order of
24 requests received under subsection 5. The commissioner shall
25 notify the authorized new zone entrants by certified mail. If a
26 person does not declare a zone within 30 days after receiving the
27 notification by certified mail, that person must be taken off the
28 waiting list and the next person on the list must be authorized
29 as a new zone entrant. If a person has indicated a request for
30 more than one zone pursuant to subsection 5, that person must be
31 taken off the waiting list for the 2nd zone when the person
32 declares one of the zones as that person's declared lobster zone
33 after being authorized to do so. If a person who holds a current
34 Class I, Class II ~~or~~ Class III or noncommercial license is
35 authorized as a new zone entrant and declares the zone as that
36 person's declared lobster zone, the commissioner shall change the
37 zone identified on that person's license to the limited-entry
38 zone for which the person is authorized.

39 **Sec. 5. 12 MRSA §6448, sub-§8**, as repealed and replaced by PL
40 1999, c. 643, §7, is amended to read:

41 **8. Exceptions.** Notwithstanding subsection --4--, the
42 following persons may be issued a Class I, Class II ~~or~~ Class III
43 or noncommercial lobster and crab fishing license that identifies
44 a limited-entry zone as the declared lobster zone without meeting
45 the requirements in subsection 4.
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2 A. A person who is issued a Class I or noncommercial
lobster and crab fishing license and who is under 18 years
4 of age or is 70 years of age or older may declare any zone
as that person's declared lobster zone.

6 B. A person who is issued a Class I, Class II or Class III
lobster and crab fishing license on appeal pursuant to
8 section 6310, subsection 2, paragraph A, subparagraph (1) or
(2) may declare as that person's declared lobster zone the
10 zone in which the person was authorized to fish a majority
of that person's lobster traps in the most recent year in
12 which the person held a license.

14 C. A person who is issued a Class I, Class II or Class III
lobster and crab fishing license pursuant to section 6421,
16 subsection 5, paragraph D may declare as that person's
declared lobster zone the zone in which the person was
18 authorized to fish a majority of that person's lobster traps
in the most recent year in which the person held a license.

20 A person who declares a limited-entry zone as that person's
22 declared lobster zone pursuant to this subsection may not be
counted for the purposes of the exit ratio or the number of new
24 zone entrants that may be authorized for that zone.

26

SUMMARY

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This bill subjects the holder of or a person seeking a
30 noncommercial lobster or crab fishing license to the
limited-entry requirements of a commercial lobster or crab
32 fishing license holder or applicant.