

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1421

H.P. 985

House of Representatives, March 22, 2005

### **An Act To Address the Constitutionality of Maine's Resident-only Lobster License**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.  
Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative DUPLESSIE of Westbrook.

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

2           **Sec. 1. 12 MRSA §6421, sub-§5**, as corrected by RR 2001, c. 2,  
4 Pt. A, §§14 and 15, is amended to read:

6           **5. Eligibility.** A ~~Class--I,--Class--II,--Class--III,~~  
7 ~~apprentice,~~ noncommercial or student lobster and crab fishing  
8 license may only be issued to an individual who is a resident. A  
9 Class I, Class II or Class III license may be issued to a person  
10 only if the person:

12           A. Possessed a Class I, Class II or Class III lobster and  
13 crab fishing license in the previous calendar year;

14           C. Meets the requirements of the apprentice program under  
15 section 6422 or section 6475; or

16           D. Did not possess a Class I, Class II or Class III lobster  
17 and crab fishing license in the previous calendar year  
18 because the commissioner had suspended the person's license  
19 privileges for a length of time that included the previous  
20 calendar year.  
21

22           **Sec. 2. 12 MRSA §6421, sub-§7-A**, as amended by PL 2003, c. 20,  
23 Pt. WW, §2, is repealed and the following enacted in its place:

24           **7-A. Fee.** Except as provided in subsection 8, the fee for  
25 the license is:

26           A. Fifty-six dollars for a resident Class I license for  
27 applicants under 18 years of age;

28           A-1. Three hundred and thirty-six dollars for a nonresident  
29 Class I license for applicants under 18 years of age;

30           B. One hundred and thirteen dollars and seventy-five cents  
31 for a resident Class I license for applicants 18 years of  
32 age or older;

33           B-1. Six hundred and eighty-two dollars and seventy-five  
34 cents for a nonresident Class I license for applicants 18  
35 years of age or older;

36           C. Two hundred twenty-eight dollars and fifty cents for a  
37 resident Class II license;

38           C-1. Thirteen hundred seventy-one dollars and fifty cents  
39 for a nonresident Class II license;  
40

2 D. Three hundred forty-one dollars and twenty-five cents  
3 for a resident Class III license;

4 D-1. Two thousand forty-seven dollars and twenty-five cents  
5 for a nonresident Class III license;

6 E. Fifty-six dollars for a resident apprentice lobster and  
7 crab fishing license for applicants under 18 years of age;

10 E-1. Three hundred thirty-six dollars for a nonresident  
11 apprentice lobster and crab fishing license for applicants  
12 under 18 years of age;

14 F. One hundred and fourteen dollars for a resident  
15 apprentice lobster and crab fishing license for applicants  
16 18 years of age or older;

18 F-1. Six hundred and eighty-two dollars and seventy-five  
19 cents for a nonresident apprentice lobster and crab fishing  
20 license for applicants 18 years of age or older;

22 G. Fifty-six dollars for a student lobster and crab fishing  
23 license; and

24 H. Fifty-six dollars for a noncommercial lobster and crab  
25 fishing license.

28 **Sec. 3. 12 MRSA §6451, sub-§1**, as amended by PL 2003, c. 520,  
29 §6, is further amended to read:

30  
31 **1. Allocation of license fees.** Ten dollars of each \$113.75  
32 fee, \$10 of each \$114 fee, \$20 of each \$228.50 fee, \$30 of each  
33 \$341.25 fee, \$30 of each \$336 fee, \$60 of each \$682.75 fee, \$120  
34 of each \$1,371.50 fee, \$180 of each \$2,047.25 fee and \$5 of each  
35 \$56 fee for each lobster and crab fishing license must be  
36 allocated to the Lobster Fund, which must be used for the  
37 purposes of lobster biology research, of propagation of lobsters  
38 by liberating seed lobsters and female lobsters in Maine coastal  
39 waters and of establishing and supporting lobster hatcheries.  
40

## 42 SUMMARY

44 This bill creates 4 new types of lobster licenses:  
45 nonresident Class I, nonresident Class II, nonresident Class III  
46 and nonresident apprentice. In order to become eligible to  
47 obtain a nonresident Class I, II or III license, an individual  
48 would have to meet the requirements of the apprenticeship program  
49 under the Maine Revised Statutes, Title 12, section 6422 or  
50 section 6475.