

MAINE STATE LEGISLATURE

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Date: 5/16/07

(Filing No. H-258)

Report B

MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 255, L.D. 311, Bill, "An Act To Create a Nonresident Lobster and Crab Landing Permit"

Amend the bill by striking out all of sections 1 to 3 and inserting the following:

Sec. 1. 12 MRSA §6402, as amended by PL 1993, c. 543, §1, is further amended by inserting after the first paragraph a new paragraph to read:

The commissioner shall suspend the nonresident lobster and crab landing permit of a permit holder convicted in court of violating section 6434. This suspension is for 3 years from the date of conviction. This paragraph is repealed January 1, 2010.

Sec. 2. 12 MRSA §6402-B, as amended by PL 1995, c. 315, §1, is further amended by inserting after the first paragraph a new paragraph to read:

Notwithstanding section 6401, subsection 2, the commissioner shall suspend the nonresident lobster and crab landing permit of a permit holder convicted of a 2nd or subsequent offense of possessing a lobster smaller than the minimum size established in section 6431, subsection 1 if the conviction of the 2nd or subsequent offense involved possession of 3 or more lobsters smaller than that minimum size. This paragraph is repealed January 1, 2010.

Sec. 3. 12 MRSA §6404, as amended by PL 1995, c. 468, §2, is further amended by inserting after the first paragraph a new paragraph to read:

The commissioner shall suspend the nonresident lobster and crab landing permit of a permit holder convicted in court of violating section 6438-A. The suspension must be for one year from the date of conviction. This paragraph is repealed January 1, 2010.'

Amend the bill in section 6 in subsection 2-B in the 2nd line (page 1, line 30 in L.D.) by inserting after the following: "possess" the following: ', transport'

Amend the bill in section 6 in subsection 2-B in the last line (page 1, line 33 in L.D.) by inserting after the following: "meat." the following: 'This subsection is repealed January 1, 2010.'

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "**B**" to H.P. 255, L.D. 311

1 Amend the bill in section 7 in subsection 5-D in paragraph B in the 2nd line (page 2,
2 line 5 in L.D.) by striking out the following: "and"

3 Amend the bill in section 7 in subsection 5-D in paragraph C in the 2nd line (page 2,
4 line 7 in L.D.) by striking out the following: "State." and inserting the following: 'State;
5 and'

6 Amend the bill in section 7 in subsection 5-D by inserting after paragraph C the
7 following:

8 'D. Documents to the commissioner that that person has not been issued trap tags
9 from a state other than Maine or federally issued trap tags that allow the individual to
10 exceed a trap limit established under section 6431-A.'

11 Amend the bill in section 7 in subsection 5-D by inserting at the end the following:

12 'This subsection is repealed January 1, 2010.'

13 Amend the bill in section 8 in subsection 5-E in the last line (page 2, line 20 in L.D.)
14 by inserting after the following: "subsection 1." the following: 'This subsection is
15 repealed January 1, 2010.'

16 Amend the bill in section 11 in paragraph I in the 2nd line (page 2, line 29 in L.D.) by
17 inserting after the following: "permit." the following: 'This paragraph is repealed
18 January 1, 2010.'

19 Amend the bill by striking out all of sections 12 to 17 and inserting the following:

20 '**Sec. 12. 12 MRSA §6431-A, sub-§1-A** is enacted to read:

21 **1-A. Limit on traps under nonresident lobster and crab landing permit.** The
22 holder of a nonresident lobster and crab landing permit issued under section 6421 may
23 not submerge more than 800 traps. If a lower trap limit is adopted by rule for a zone
24 pursuant to section 6446, a license holder or permit holder who fishes in that zone may
25 not submerge a number of traps that exceeds the lower limit.

26 The number of traps fished from a vessel may not exceed the applicable trap limit
27 established in this subsection, regardless of the number of license holders fishing from
28 that vessel.

29 This subsection is repealed January 1, 2010.

30 **Sec. 13. 12 MRSA §6431-B**, as amended by PL 2003, c. 20, Pt. WW, §3, is
31 further amended by inserting after the first paragraph a new paragraph to read:

32 The commissioner shall establish by rule a lobster trap tag system under which
33 nonresident lobster and crab landing permit holders must purchase tags for the purpose of
34 identifying and tracking traps. The rules must contain provisions for replacing lost tags.
35 The commissioner may impose a per-tag fee to cover the cost of trap tags, the costs of
36 administering and enforcing a lobster trap tag system, the costs of management of the
37 lobster fishery and the costs associated with lobster management policy councils and
38 referenda pursuant to section 6447. Trap tag fees must be deposited in the Lobster

COMMITTEE AMENDMENT "B" to H.P. 255, L.D. 311

1 Management Fund established under section 6431-C. This paragraph is repealed January
2 1, 2010.

3 **Sec. 14. 12 MRSA §6432, sub-§2-A** is enacted to read:

4 **2-A. Marking; nonresident lobster and crab landing permit.** It is unlawful to set,
5 raise, lift or transfer any lobster trap or buoy unless it is clearly marked with the owner's
6 nonresident lobster and crab landing permit number. This subsection is repealed January
7 1, 2010.

8 **Sec. 15. 12 MRSA §6434, sub-§5** is enacted to read:

9 **5. Additional penalty; nonresident lobster and crab landing permit.** If the holder
10 of a nonresident lobster and crab landing permit violates this section by cutting a lobster
11 trap line, the court shall:

12 A. Order that person to pay to the owner of the trap line that was cut an amount
13 equal to twice the replacement value of all traps lost as a result of that cutting; and

14 B. Direct that person to provide proof of payment of that restitution to the
15 commissioner as required by section 6402, subsection 1.

16 A penalty imposed under this subsection is in addition to any penalty imposed under
17 section 6204.

18 This subsection is repealed January 1, 2010.

19 **Sec. 16. 12 MRSA §6446, sub-§1-B** is enacted to read:

20 **1-B. Declared lobster zone; authorized zones; nonresident lobster and crab**
21 **landing permit.** On an application for a nonresident lobster and crab landing permit, a
22 person shall declare the lobster management zone in which that person proposes to fish a
23 majority of that person's lobster traps and shall list all other zones in which that person
24 proposes to fish any of that person's lobster traps. A nonresident lobster and crab landing
25 permit must identify the declared lobster zone in which the person is authorized to fish a
26 majority of that person's lobster traps and must identify all other zones in which that
27 person is authorized to fish that person's traps. A person may not place any lobster traps
28 in a zone that is not identified on that person's license. For purposes of this subsection,
29 the majority of a person's lobster traps must be determined from the number of trap tags
30 issued to that person. This subsection is repealed January 1, 2010.'

31 Amend the bill in section 20 in paragraph F by inserting after the following:
32 "\$93.75." the following: 'This paragraph is repealed January 1, 2010.'

33 Amend the bill by inserting after section 20 the following:

34 **'Sec. 21. Report.** The Department of Marine Resources shall report to the joint
35 standing committee of the Legislature having jurisdiction over marine resources matters
36 on the implementation of the nonresident lobster and crab landing permit, the number of
37 permits sold and the effect of the permit on lobster fishing efforts and Maine businesses
38 by January 3, 2009. The joint standing committee may submit legislation during the First
39 Regular Session of the 124th Legislature related to that report.'

COMMITTEE AMENDMENT "**B**" to H.P. 255, L.D. 311

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment is the minority report and provides that an applicant for a
5 nonresident lobster and crab landing permit must document to the Commissioner of
6 Marine Resources that that person has not been issued lobster trap tags from another state
7 or from the federal government that would allow that person to exceed Maine's trap tag
8 limit. It also provides that the holder of the permit may transport lobsters within the
9 State. The amendment directs the Department of Marine Resources to report to the joint
10 standing committee of the Legislature having jurisdiction over marine resources matters
11 on the implementation and impact of the nonresident lobster and crab landing permit on
12 the lobster resource and related businesses by January 3, 2009. It also repeals the
13 nonresident lobster and crab fishing permit January 1, 2010.

FISCAL NOTE REQUIRED
(See attached)



123rd MAINE LEGISLATURE

LD 311

LR 654(03)

An Act To Create a Nonresident Lobster and Crab Landing Permit

Fiscal Note for Bill as Amended by Committee Amendment "B"
 Committee: Marine Resources
 Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	(\$19,125)	(\$19,125)	(\$19,125)	\$0
Revenue				
General Fund	\$19,125	\$19,125	\$19,125	\$0
Other Special Revenue Funds	(\$4,066)	(\$4,066)	(\$4,066)	\$0

Correctional and Judicial Impact Statements

Will reduce the occurrence of an existing Class D crime.

The reduction in the collection of fines may decrease General Fund revenue by minor amounts.

Fiscal Detail and Notes

Beginning in fiscal year 2007-08 and continuing through fiscal year 2009-10, establishing a nonresident lobster and crab landing permit will increase General Fund revenue collected by the Department of Marine Resources by an estimated \$19,125 annually, decrease Other Special Revenue Funds revenue collected by the Department of Marine Resources by an estimated \$2,503 annually and decrease Other Special Revenue Funds revenue collected by the Lobster Promotion Council by \$1,563 annually.