

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 311

H.P. 255

House of Representatives, January 19, 2007

### **An Act To Create a Nonresident Lobster and Crab Landing Permit**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative WHEELER of Kittery.

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

2 **Sec. 1. 12 MRSA §6402, first ¶**, as amended by PL 1993, c. 543, §1, is further  
3 amended to read:

4 The commissioner shall suspend the lobster and crab fishing license of a license  
5 holder or the nonresident lobster and crab landing permit of a permit holder convicted in  
6 court of violating section 6434. This suspension is for 3 years from the date of conviction.

7 **Sec. 2. 12 MRSA §6402-B, first ¶**, as amended by PL 1995, c. 315, §1, is further  
8 amended to read:

9 Notwithstanding section 6401, subsection 2, the commissioner shall suspend the  
10 lobster and crab fishing license of any license holder or the nonresident lobster and crab  
11 landing permit of a permit holder convicted of a 2nd or subsequent offense of possessing  
12 a lobster smaller than the minimum size established in section 6431, subsection 1 if the  
13 conviction of the 2nd or subsequent offense involved possession of 3 or more lobsters  
14 smaller than that minimum size.

15 **Sec. 3. 12 MRSA §6404**, as amended by PL 1995, c. 468, §2, is further amended  
16 to read:

17 **§6404. Suspension based on conviction of scrubbing lobsters**

18 The commissioner shall suspend the lobster and crab fishing license, wholesale  
19 seafood license and the commercial fishing license of any license holder or the  
20 nonresident lobster and crab landing permit of a permit holder convicted in court of  
21 violating section 6438-A. The suspension must be for one year from the date of  
22 conviction.

23 **Sec. 4. 12 MRSA §6421, sub-§1, ¶F**, as enacted by PL 2003, c. 452, Pt. F, §8  
24 and affected by Pt. X, §2, is amended to read:

25 F. Noncommercial lobster and crab fishing license; ~~or~~

26 **Sec. 5. 12 MRSA §6421, sub-§1, ¶F-1** is enacted to read:

27 F-1. Nonresident lobster and crab landing permit; or

28 **Sec. 6. 12 MRSA §6421, sub-§2-B** is enacted to read:

29 **2-B. Licensed activity; nonresident lobster and crab landing permit.** The holder  
30 of a nonresident lobster and crab landing permit may possess and sell within the State  
31 lobsters or crabs the license holder has taken from outside Maine's territorial waters. The  
32 permit does not authorize the permit holder to remove lobster meat from the shell or to  
33 take, possess, transport or ship lobster parts or meat.

34 **Sec. 7. 12 MRSA §6421, sub-§5-D** is enacted to read:

1       **5-D. Nonresident lobster and crab landing permit eligibility.** A nonresident  
2 lobster and crab landing permit may be issued only to an individual who:

3       A. Does not meet the resident provisions under section 6301, subsection 1;

4       B. Possesses a valid federal lobster permit or a valid lobster fishing license from a  
5 state other than this State; and

6       C. Except as authorized under subsection 5-E, does not operate a lobster and crab  
7 fishing vessel with an established base of operations in this State.

8       **Sec. 8. 12 MRSA §6421, sub-§5-E** is enacted to read:

9       **5-E. Exception; nonresident lobster and crab landing permit with an**  
10 **established base of operations in State.** An individual may be excepted from  
11 subsection 5-D, paragraph C as long as the individual submits documentation to the  
12 commissioner by December 31, 2007 that the individual operated a lobster and crab  
13 fishing vessel with an established base of operations in the State as a nonresident in  
14 calendar years 2006 and 2007. Documentation must include at a minimum proof of  
15 lobster landings at a Maine dealer, proof of utilization of a mooring or dock in a Maine  
16 harbor for a sufficient time to meet the requirements to be an established base of  
17 operations in this State pursuant to Title 12, section 6001, subsection 13-I, proof that the  
18 individual possessed a valid federal lobster permit or a valid lobster fishing license from a  
19 state other than this State and proof that the individual did not meet the resident  
20 provisions under section 6301, subsection 1.

21       **Sec. 9. 12 MRSA §6421, sub-§7-A, ¶G,** as repealed and replaced by PL 2005, c.  
22 354, §2, is amended to read:

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

24       **Sec. 10. 12 MRSA §6421, sub-§7-A, ¶H,** as repealed and replaced by PL 2005,  
25 c. 354, §2, is amended to read:

26       H. Fifty-six dollars for a noncommercial lobster and crab fishing license; and

27       **Sec. 11. 12 MRSA §6421, sub-§7-A, ¶I** is enacted to read:

28       I. Two thousand forty-seven dollars and twenty-five cents for a nonresident lobster  
29 and crab landing permit.

30       **Sec. 12. 12 MRSA §6421, sub-§10** is enacted to read:

31       **10. Rules.** The commissioner may establish by rule procedures to implement this  
32 section. Rules adopted pursuant to this subsection are routine technical rules as defined  
33 in Title 5, chapter 375, subchapter 2-A.

34       **Sec. 13. 12 MRSA §6431-A, sub-§1,** as repealed and replaced by PL 1999, c.  
35 187, §1, is amended to read:

36       1. **Limit.** Before March 1, 2000, the holder of a Class I, Class II or Class III license  
37 issued under section 6421 may not submerge more than 1,000 traps. After February 29,

1 2000, the holder of a Class I, Class II or Class III license or a nonresident lobster and crab  
2 landing permit issued under section 6421 may not submerge more than 800 traps. If a  
3 lower trap limit is adopted by rule for a zone pursuant to section 6446, a license holder  
4 who fishes in that zone may not submerge a number of traps that exceeds the lower limit.

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

8 **Sec. 14. 12 MRSA §6431-B**, as amended by PL 2003, c. 20, Pt. WW, §3, is  
9 further amended to read:

10 **§6431-B. Tag system**

11 ~~By March 1, 1996, the~~ The commissioner shall establish by rule a lobster trap tag  
12 system under which lobster and crab fishing license holders and nonresident lobster and  
13 crab landing permit holders must purchase tags for the purpose of identifying and  
14 tracking traps. The rules must contain provisions for replacing lost tags. The  
15 commissioner may impose a per-tag fee to cover the cost of trap tags, the costs of  
16 administering and enforcing a lobster trap tag system, the costs of management of the  
17 lobster fishery and the costs associated with lobster management policy councils and  
18 referenda pursuant to section 6447. Trap tag fees must be deposited in the Lobster  
19 Management Fund established under section 6431-C.

20 **Sec. 15. 12 MRSA §6432, sub-§2**, as enacted by PL 1977, c. 661, §5, is amended  
21 to read:

22 **2. Marking.** It ~~shall be~~ is unlawful to set, raise, lift or transfer any lobster trap or  
23 buoy unless it is clearly marked with the owner's lobster and crab fishing license number  
24 or the owner's nonresident lobster and crab landing permit number.

25 **Sec. 16. 12 MRSA §6434, sub-§4**, as amended by PL 2003, c. 520, §5, is further  
26 amended to read:

27 **4. Additional penalty.** If the holder of a lobster and crab fishing license or a  
28 nonresident lobster and crab landing permit violates this section by cutting a lobster trap  
29 line, the court shall:

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

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

34 A penalty imposed under this subsection is in addition to any penalty imposed under  
35 section 6204.

36 **Sec. 17. 12 MRSA §6446, sub-§1-A**, as amended by PL 2005, c. 239, §3, is  
37 further amended to read:

