

# MAINE STATE LEGISLATURE

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Date: 5/21/07

L.D. 1870  
(Filing No. H-279)

**MARINE RESOURCES**

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

COMMITTEE AMENDMENT "A" to H.P. 1302, L.D. 1870, Bill, "An Act To Provide Flexibility within the Monhegan Island Lobster Conservation Area To Ensure the Viability of the Island Community"

Amend the bill by striking out the title and substituting the following:

**'An Act To Provide Flexibility within the Monhegan Lobster Conservation Area and To Strengthen the Eligibility Requirements for a Student Lobster Fishing License'**

Amend the bill before section 1 by inserting the following:

**Sec. 1. 12 MRSA §6421, sub-§5-A**, as amended by PL 2005, c. 239, §1, is further amended to read:

**5-A. Student license eligibility.** A student license may be issued only to a person who, at the time of application, is a full-time student 8 years of age or older and under 23 years of age. For the purposes of this subsection, "full-time student" means:

A. A person attending a public day school in accordance with the attendance requirement of Title 20-A, section 5001-A, subsection 1;

B. A person meeting the requirements of an alternative to attendance at public day school in accordance with Title 20-A, section 5001-A, subsection 3; or

C. A person enrolled in and meeting the requirements of a full-time course of study at a college or university accredited by a state-recognized accrediting agency or body.

A person may not be considered to have ceased to be a student during any interim between school years if the interim does not exceed 5 months and if it is shown that the person has a bona fide intention of continuing to pursue a full-time course of study during the semester or other enrollment period immediately following the interim period. For purposes of this subsection, "full-time course of study" means at least 60% of the usual course load for the program in which the person is enrolled.

**COMMITTEE AMENDMENT**

1 The commissioner may revoke a student license of an individual who has ceased to be a  
2 full-time student.'

3 Amend the bill in section 1 in §6472 in subsection 2 in the 2nd line (page 1, line 19 in  
4 L.D.) by striking out the following: "not to exceed 270 consecutive" and inserting the  
5 following: 'consecutive not to exceed 250'

6 Amend the bill in section 1 in §6472 in subsection 2 in the 3rd line (page 1, line 20 in  
7 L.D.) by striking out the following: "September" and inserting the following: 'October'

8 Amend the bill in section 1 in §6472 in subsection 2 in paragraph A in the last line  
9 (page 1, line 25 in L.D.) by inserting after the following: "6474." the following: 'The  
10 commissioner may accept the preferences proposed by 2/3 of the registrants as reasonable  
11 and adopt those preferences or reject the preferences as unreasonable. The commissioner  
12 shall consult with the lobster management policy council for Zone D before making this  
13 decision.'

14 Amend the bill in section 1 in §6472 in subsection 3 in paragraph A in the last line  
15 (page 2, line 4 in L.D.) by inserting after the following: "6474." the following: 'The  
16 commissioner may accept the preferences proposed by 2/3 of the registrants as reasonable  
17 and adopt those preferences or reject the preferences as unreasonable. The commissioner  
18 shall consult with the lobster management policy council for Zone D before making this  
19 decision.'

20 Amend the bill by inserting after section 1 the following:

21 'Sec. 2. 12 MRSA §6475, sub-§1, ¶B, as enacted by PL 1997, c. 574, §4, is  
22 further amended to read:

23 B. A person fulfills the time requirements of a Monhegan Lobster Conservation  
24 Area apprenticeship if, after November 30, 1998, that person serves for ~~150~~ 200  
25 fishing days during a minimum period of 24 months in the Monhegan Lobster  
26 Conservation Area on a vessel operated by a Monhegan Lobster Conservation Area  
27 trap tag registrant who agrees to sponsor that person as an apprentice. For the  
28 purposes of this subsection, a "fishing day" means 5 hours or more in a calendar day  
29 of lobster-fishing-related activity. The commissioner shall administer the  
30 apprenticeship pursuant to rules adopted under section 6422 regarding an apprentice  
31 log book and educational courses. A person completes a Monhegan Lobster  
32 Conservation Area apprenticeship upon presentation to the commissioner of a  
33 validated log book that documents that person meets the requirements of this  
34 paragraph.

35 Sec. 3. 12 MRSA §6475, sub-§5 is enacted to read:

36 5. Registrants exiting the Monhegan Lobster Conservation Area. A person who  
37 is registered to fish within the Monhegan Lobster Conservation Area and who no longer  
38 wishes to fish there may exit the area at the end of the registration period established in  
39 this section in the following manner:

40 A. A person who has been registered for a period of not less than 5 open seasons and  
41 who can document to the commissioner that that person has harvested lobsters in

1 each of 5 open seasons may exit the Monhegan Lobster Conservation Area and fish  
2 elsewhere in Zone D without going on a waiting list as established in section 6448.

3 B. A person who has been registered for a period of less than 5 open seasons or who  
4 cannot document to the commissioner that that person harvested lobsters in at least 5  
5 open seasons may exit the Monhegan Lobster Conservation Area and become eligible  
6 to fish elsewhere in Zone D if that person complies with the waiting list requirement  
7 established in accordance with section 6448.

8 **Sec. 4. Report.** The Commissioner of Marine Resources shall report on the  
9 implementation, enforcement and results from the changes to the lobster and crab fishing  
10 season and trap limits for Monhegan Lobster Conservation Area under this Act to the  
11 joint standing committee of the Legislature having jurisdiction over marine resources  
12 matters by January 15, 2011. The joint standing committee of the Legislature having  
13 jurisdiction over marine resources matters may submit legislation related to that report.’

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

16 **SUMMARY**

17 This amendment:

18 1. Changes the proposed start for the open season on lobster fishing in the Monhegan  
19 Lobster Conservation Area from September 1st to October 1st and limits the proposed  
20 number of days open to fishing from 270 to 250 and removes the requirement that those  
21 days be consecutive;

22 2. Provides that the Commissioner of Marine Resources may accept the open season  
23 and trap limits for lobster fishing in the Monhegan Lobster Conservation Area  
24 preferences proposed by 2/3 of the registrants in that area as reasonable and adopt those  
25 preferences or reject the proposed preferences as unreasonable. The commissioner must  
26 consult with the lobster management policy council for Zone D before making a decision  
27 on the preferences proposed by the registrants;

28 3. Increases the number of days a person must apprentice in the Monhegan Lobster  
29 Conservation Area from 150 days to 200 days to match the apprenticeship requirements  
30 in other lobster zones;

31 4. Provides that a person registered to fish lobsters in the Monhegan Lobster  
32 Conservation Area must have harvested lobsters during 5 open seasons in that area before  
33 that person can fish elsewhere in Zone D without having to go on a waiting list to fish  
34 lobsters in that zone; and

35 5. Directs the Commissioner of Marine Resources to report to the joint standing  
36 committee of the Legislature having jurisdiction over marine resources matters no later  
37 than January 15, 2011 on the results of the open season and trap limit change for fishing  
38 lobsters in the Monhegan Lobster Conservation Area.

39 **FISCAL NOTE REQUIRED**  
40 **(See attached)**



# 123rd MAINE LEGISLATURE

LD 1870

LR 2618(02)

**An Act To Provide Flexibility within the Monhegan Island Lobster Conservation Area To Ensure the Viability of the Island Community**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Marine Resources**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund