

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 585

H.P. 423

House of Representatives, February 17, 2009

**An Act To Protect Fishing Families by Authorizing Certain
Transfers of Lobster and Crab Fishing Licenses**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FLAHERTY of Scarborough.
Cosponsored by Senator BLISS of Cumberland and
Representatives: BERRY of Bowdoinham, CONNOR of Kennebunk, MAZUREK of
Rockland, MORRISON of South Portland, O'BRIEN of Lincolnville, PENDLETON of
Scarborough, Senator: BARTLETT of Cumberland.

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

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

4 C. Meets the requirements of the apprentice program under section 6422 or section
5 6475; ~~or~~

6 **Sec. 2. 12 MRSA §6421, sub-§5, ¶D**, as corrected by RR 2001, c. 2, Pt. A, §15,
7 is amended to read:

8 D. Did not possess a Class I, Class II or Class III lobster and crab fishing license in
9 the previous calendar year because the commissioner had suspended the person's
10 license privileges for a length of time that included the previous calendar year; or

11 **Sec. 3. 12 MRSA §6421, sub-§5, ¶I** is enacted to read:

12 I. Is eligible to receive a license by transfer under section 6424.

13 **Sec. 4. 12 MRSA §6424** is enacted to read:

14 **§6424. Transfer of commercial lobster and crab fishing license**

15 A person who holds a valid Class I, Class II or Class III lobster and crab fishing
16 license may transfer the license to that person's child, grandchild or spouse as long as that
17 child, grandchild or spouse has completed the apprentice program under section 6422 or
18 section 6475 and the license holder and the transferee notify the department in writing of
19 the transfer. By January 30, 2012, the department shall review the transfer of licenses
20 and shall issue a written report that includes its findings and recommendations for the
21 transfer of licenses under this section. That report must be forwarded to the commissioner
22 and to the joint standing committee of the Legislature having jurisdiction over marine
23 resources matters and recommend whether or not to continue allowing transfers under
24 this section.

25 **Sec. 5. 12 MRSA §6431-F, sub-§2, ¶A**, as amended by PL 2005, c. 239, §2, is
26 further amended to read:

27 A. If the license holder was issued a Class I, Class II or Class III lobster and crab
28 fishing license for the first time after meeting the requirements of the apprentice
29 program under section 6422 or after receiving a license by transfer under section
30 6424, the license holder may not purchase more than 300 trap tags for the initial
31 license year. For each following year, the license holder may purchase up to an
32 increase of 100 trap tags each year as long as the total number purchased does not
33 exceed the number of traps allowed under the lowest trap limit established by rule for
34 the zones identified on that person's license pursuant to section 6446, subsection 1-A;
35 and

1

SUMMARY

2 This bill authorizes the transfer of a Class I, Class II or Class III lobster and crab
3 fishing license by the license holder to that person's child, grandchild or spouse under
4 certain circumstances. The relative who is receiving the license by transfer must have
5 completed a Department of Marine Resources' apprentice program for entry into the
6 lobster fishery, and the license holder and the transferee must notify the department in
7 writing of the transfer. It also adds a provision to limit a recipient of a license by transfer
8 to 300 traps in the initial year and an increase of 100 traps each subsequent year up to the
9 trap limit, and it requires the Department of Marine Resources to review the transfer of
10 licenses in 3 years, and annually thereafter, and to make recommendations on whether or
11 not to continue allowing transfers.