

# MAINE STATE LEGISLATURE

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MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 851, L.D. 1231, Bill, "An Act To Protect the Long-term Viability of Island Lobster Fishing Communities"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 12 MRSA §6448, sub-§8, ¶E is enacted to read:

E. A person who has either successfully completed the requirements of the apprentice program under section 6422 or 6475 or held a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year and who has registered to enter an established island limited-entry program as described under section 6449 may declare as that person's declared lobster zone the zone in which that island limited-entry program is located when the person becomes eligible to enter the island limited-entry program.

Sec. 2. 12 MRSA §6449 is enacted to read:

§6449. Island limited-entry programs

An island limited-entry program may be established pursuant to this section in order to maintain a number of licenses appropriate for the needs of an island community and the local lobster resource.

1. Proposal to the commissioner. Notwithstanding section 6448, subsection 7, a year-round island community may petition the commissioner for the establishment of an island limited-entry zone program if a minimum of 5 island residents that are holders of a Class I, Class II or Class III lobster and crab fishing license or 10% of the island residents that are holders of a Class I, Class II or Class III lobster and crab fishing license, whichever is greater, signs the petition submitted to the commissioner. If 2/3 of the Class I, Class II or Class III lobster and crab fishing license holders that are residents on the island voting in a referendum held pursuant to section 6447, subsection 6 support the establishment of an island limited-entry zone program, the commissioner may adopt rules to establish such a program, including a waiting list. Before establishing or amending the number of licenses available to island residents, the commissioner shall determine the

1 number of licenses preferred by 2/3 of the Class I, Class II or Class III lobster and crab  
2 fishing license holders resident on the island. The commissioner may accept the  
3 preferences proposed by 2/3 of the license holders as reasonable and adopt those  
4 preferences or reject the preferences as unreasonable. The commissioner shall consult  
5 with the lobster management policy council for the lobster management zone in which  
6 the island is located before making the decision.

7 **2. No longer resident.** An individual who obtains a Class I, Class II or Class III  
8 lobster and crab fishing license through an island limited-entry program but who no  
9 longer wishes to maintain residency on the island is subject to the following  
10 requirements.

11 A. A person who held a Class I, Class II or Class III lobster and crab fishing license  
12 and maintained residency on the island for a period of not less than 8 years and who  
13 can document to the commissioner that the person harvested lobsters in each of the 8  
14 years may end the person's residency on the island and fish elsewhere in the lobster  
15 management zone in which the island is located without going on a waiting list as  
16 established in section 6448.

17 B. A person who holds a Class I, Class II or Class III lobster and crab fishing license  
18 and who either has maintained residency on the island for less than 8 years or who  
19 has maintained residency on the island for at least 8 years but cannot document to the  
20 commissioner that the person harvested lobsters in each of the 8 years may end the  
21 person's residency on the island and become eligible to fish elsewhere in the lobster  
22 management zone in which the island is located if that person complies with the  
23 waiting list requirement established in accordance with section 6448.

24 **3. Restriction.** This section applies only to an island in the coastal waters with a  
25 year-round community that is not connected to the mainland by an artificial structure.

26 **4. Rules.** The commissioner shall adopt rules to implement the island limited-entry  
27 program. The rules must include but are not limited to:

- 28 A. A definition of residency on an island;
- 29 B. Allowances for the temporary absence from an island due to a medical condition  
30 or educational requirements; and
- 31 C. Providing for an opportunity for increasing the number of Class I, Class II or  
32 Class III lobster and crab fishing license holders on an island, if appropriate, based on  
33 the characteristics of the island and the lobster resource.

34 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
35 chapter 375, subchapter 2-A.'

36 **SUMMARY**

37 This committee amendment replaces the bill.

38 1. It provides that a year-round island community on an island in the coastal waters  
39 that is not connected to the mainland by an artificial structure may petition the  
40 Commissioner of Marine Resources for the establishment of a limited-entry program for  
41 that island if a minimum of 5 Class I, Class II or Class III lobster and crab fishing license

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1 holders who are residents on the island or 10% of the island's resident Class I, Class II or  
2 Class III lobster and crab fishing license holders, whichever is greater, signs the petition.

3 2. It provides that if 2/3 of the Class I, Class II or Class III lobster and crab fishing  
4 license holders who are residents of the island voting in a referendum support the  
5 establishment of an island limited-entry program, the commissioner may adopt rules to  
6 establish such a program.

7 3. It requires that before establishing or amending the number of licenses available to  
8 island residents, the Commissioner of Marine Resources must determine the number of  
9 licenses preferred by 2/3 of the Class I, Class II or Class III lobster and crab fishing  
10 license holders who are residents on the island but retains the discretion to accept or  
11 reject that preference.

12 4. It requires the Commissioner of Marine Resources to consult with the applicable  
13 lobster management policy council before making a decision on the number of licenses to  
14 be made available.

15 5. It authorizes the Commissioner of Marine Resources to adopt rules to implement  
16 the program to define residency and to provide exceptions to the island residency  
17 requirement for temporary absences from an island for medical or educational purposes  
18 and to allow, when appropriate, for an increase in the number of licenses available to an  
19 island community over time.

20 6. It provides that a person who obtains a Class I, Class II or Class III lobster and  
21 crab fishing license through an island limited-entry program and was a resident of the  
22 island for at least 8 years and harvested lobsters for each of those years and who no  
23 longer wishes to maintain residency on that island may fish elsewhere in the lobster  
24 management zone in which the island is located without having to go on the waiting list.

**FISCAL NOTE REQUIRED**  
(See attached)

**COMMITTEE AMENDMENT**



# 124th MAINE LEGISLATURE

LD 1231

LR 1280(02)

**An Act To Protect the Long-term Viability of Island Lobster Fishing Communities**

**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

### Fiscal Detail and Notes

Additional costs to the Department of Marine Resources associated with rulemaking can be absorbed within existing budgeted resources.