

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1231

H.P. 851

House of Representatives, March 26, 2009

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Speaker PINGREE of North Haven.
Cosponsored by Senator DAMON of Hancock and
Representatives: EATON of Sullivan, FLEMINGS of Bar Harbor, KRUGER of Thomaston,
McKANE of Newcastle, PERCY of Phippsburg, STRANG BURGESS of Cumberland,
STUCKEY of Portland, Senator: RECTOR of Knox.

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

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

3 E. Notwithstanding section 6447, subsection 5-C, a person who has either
4 successfully completed the requirements of the apprentice program under section
5 6422 or 6475 or held a Class I, Class II or Class III lobster and crab fishing license in
6 the previous calendar year and who has registered to enter an established island
7 license management area as described under section 6449 may declare as that
8 person's declared lobster zone the zone in which the island license management area
9 is located when the person becomes eligible to enter the island license management
10 area.

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

12 **§6449. Island license management areas**

13 **1. Proposal to commissioner.** A person who is issued a Class I, Class II or Class III
14 lobster and crab fishing license who is a resident on an island in the coastal waters with a
15 year-round community that is not connected to the mainland by any artificial structure
16 may propose to the commissioner the establishment of a limited-entry zone program for
17 the island. The purpose of the limited-entry zone program for the island is to maintain a
18 number of licenses appropriate for the needs of the island community and the local
19 lobster resource.

20 **2. Petition.** In order for an island lobster fishing community to petition the
21 commissioner for the establishment of an island limited-entry zone program, a minimum
22 of either 5 Class I, Class II or Class III lobster and crab fishing license holders or 10% of
23 the Class I, Class II or Class III lobster and crab fishing license holders, whichever is
24 greater, must sign the petition submitted to the commissioner. If 2/3 of the Class I, Class
25 II or Class III lobster and crab fishing license holders voting in a referendum held
26 pursuant to section 6447, subsection 6 support the establishment of an island limited-
27 entry zone program, the commissioner may adopt rules to establish such a system,
28 including an island license waiting list. Before establishing or amending the number of
29 licenses available to island residents, the commissioner shall determine the number of
30 licenses preferred by 2/3 of the Class I, Class II or Class III lobster and crab fishing
31 license holders resident on the island. The commissioner may accept the preferences
32 proposed by 2/3 of the license holders as reasonable and adopt those preferences or reject
33 the preferences as unreasonable. The commissioner shall consult with the lobster
34 management policy council for the lobster management zone in which the island is
35 located before making the decision.

36 **3. No longer resident.** An individual who obtains a Class I, Class II or Class III
37 lobster and crab fishing license through an island limited-entry zone program but who no
38 longer wishes to maintain residency on the island is subject to the following
39 requirements.

40 **A.** A person who held a Class I, Class II or Class III lobster and crab fishing license
41 and maintained residency on the island for a period of not less than 5 years and who

1 can document to the commissioner that the person harvested lobsters in each of the 5
2 years may end the person's residency on the island and fish elsewhere in the lobster
3 management zone in which the island is located without going on a waiting list as
4 established in section 6448.

5 B. A person who has maintained residency on the island for less than 5 years or who
6 has maintained residency on the island for at least 5 years but cannot document to the
7 commissioner that the person harvested lobsters in each of the 5 years may end the
8 person's residency on the island and become eligible to fish elsewhere in the lobster
9 management zone in which the island is located if that person complies with the
10 waiting list requirement established in accordance with section 6448.

11 4. Rules. The commissioner shall adopt rules to implement the island limited-entry
12 zone program. The rules must include a definition of residency on an island. Rules
13 adopted pursuant to this subsection are routine technical rules as defined in Title 5,
14 chapter 375, subchapter 2-A.

15 SUMMARY

16 The purpose of this bill is to protect the long-term viability of island lobster fishing
17 communities by creating limited-entry zone programs for islands in the coastal waters
18 with year-round communities.