

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1020

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H.P. 718

House of Representatives, March 14, 2013

### An Act Regarding the Swans Island Lobster Fishing Zone

(EMERGENCY)

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative KUMIEGA of Deer Isle.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the trap limit in the Swans Island Lobster Conservation Area is 475 per  
4 individual and the rest of Zone B allows 800 traps; and

5 **Whereas,** it is necessary to raise the maximum number of allowed traps in the  
6 Swans Island Lobster Conservation Area in order to increase economic opportunity for  
7 license holders fishing in the Swans Island Lobster Conservation Area in order to sustain  
8 commercial lobster fishing as a viable economic pursuit for residents of Swans Island and  
9 keep the community's population sustainable; and

10 **Whereas,** the Maine lobster industry faces a critical opportunity for branding and  
11 marketing; and

12 **Whereas,** it is necessary that this Act take effect by June 2013 in order to take  
13 advantage of the plentiful summer harvest, in order to provide needed support to persons  
14 who fish for lobster and the lobster industry; and

15 **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
16 the meaning of the Constitution of Maine and require the following legislation as  
17 immediately necessary for the preservation of the public peace, health and safety; now,  
18 therefore,

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

20 **Sec. 1. 12 MRSA c. 619, sub-c. 6** is enacted to read:

21 **SUBCHAPTER 6**

22 **SWANS ISLAND LOBSTER CONSERVATION AREA**

23 **§6481. Swans Island Lobster Conservation Area**

24 **1. Swans Island Lobster Conservation Area.** The following territorial waters of  
25 the State in the vicinity of Swans Island are known as the Swans Island Lobster  
26 Conservation Area:

27 Beginning at the northern tip of Long Point, Marshall Island, Hancock County, Maine;  
28 then northerly to the navigational buoy at the western entrance to Toothacker Bay,  
29 located at the intersection of Loran lines 9960-W-12492.0 and 9960-X-25800.0; then  
30 northeasterly to West Point, Swans Island, Hancock County, Maine; then from Phinney  
31 Point on the northeastern shore of Swans Island southeasterly to the intersection of Loran  
32 lines 9960-W-12445.6 and 9960-X-25780.9, 68°22.40' W. Longitude, 44°08.79' N.  
33 Latitude, Hancock County, Maine; then southwesterly to the intersection of Loran lines  
34 9960-W-12468.0 and 9960-X-25773.0, 68°23.6' W. Longitude, 44°06.4' N. Latitude; then  
35 south-southwesterly to the intersection of Loran lines 9960-W-12482.2 and 9960-X-  
36 25766.4, 68°24.01' W. Longitude, 44°04.8' N. Latitude; then southerly to the intersection

1 of Loran lines 9960-W-12493.5 and 9960-X-25758.4, 68°23.9' W. Longitude, 44°03.1' N.  
2 Latitude, and the intersection with the 3-nautical-mile line of the territorial waters, as  
3 shown on United States Department of Commerce, National Oceanic and Atmospheric  
4 Administration, National Ocean Service, Office of Coast Survey Chart #13312; then  
5 southwesterly along the 3-nautical-mile line of the territorial waters approximately 3.5  
6 miles to a point where a line drawn southeasterly 165° True from the center of Black  
7 Ledges intersects the 3-nautical-mile line of the territorial waters at Loran lines 9960-W-  
8 12524.5 and 9960-X-25765.5, 68°28.6' W. Longitude, 44°01.9' N. Latitude; then  
9 northwesterly 345° True to the center of Black Ledges; then northwesterly to the most  
10 southerly point of Marshall Island; thence along the westerly shore of Marshall Island to  
11 the point of beginning.

12 **§6482. Fishing in Swans Island Lobster Conservation Area**

13 **1. Placing and maintaining traps.** A person may not place or maintain any trap for  
14 lobsters, or otherwise fish for or take lobsters, within the Swans Island Lobster  
15 Conservation Area except in accordance with this section.

16 A. An individual registered to obtain Swans Island Lobster Conservation Area trap  
17 tags under this section may not place or maintain in the Swans Island Lobster  
18 Conservation Area more than 550 traps. Each trap must bear the appropriate tag.

19 B. A person may not place or maintain a lobster trap in the Swans Island Lobster  
20 Conservation Area unless a trap tag designated for use in the Swans Island Lobster  
21 Conservation Area is affixed to the trap.

22 **2. Trap tags; eligibility; expiration; suspension.** The commissioner shall issue tags  
23 for traps in the Swans Island Lobster Conservation Area in accordance with this  
24 subsection. The commissioner shall charge and deposit fees for Swans Island Lobster  
25 Conservation Area trap tags in accordance with section 6431-B.

26 A. Trap tags issued for use in the Swans Island Lobster Conservation Area expire  
27 after one year as determined by the commissioner by rule.

28 B. Except as provided under paragraph C, the commissioner may not issue Swans  
29 Island Lobster Conservation Area trap tags to a person unless that person:

30 (1) Registered with the commissioner to purchase Swans Island Lobster  
31 Conservation Area trap tags for the prior season, documents to the commissioner  
32 that the person harvested lobsters from the Swans Island Lobster Conservation  
33 Area in the prior season and applies to the commissioner during the period  
34 between January 1st and May 31st for Swans Island Lobster Conservation Area  
35 trap tags; or

36 (2) Registered with the commissioner to purchase Swans Island Lobster  
37 Conservation Area trap tags for the prior calendar year, documents to the  
38 commissioner that the person did not harvest lobsters from the Swans Island  
39 Lobster Conservation Area in the prior season because of an illness or medical  
40 condition and applies to the commissioner during the period between January 1st  
41 and May 31st for Swans Island Lobster Conservation Area trap tags.

1 C. A person otherwise eligible to apply for Swans Island Lobster Conservation Area  
2 trap tags under paragraph B if not for the suspension of that person's Class I, Class II  
3 or Class III lobster and crab fishing license may apply to the commissioner for Swans  
4 Island Lobster Conservation Area trap tags during the period between January 1st and  
5 May 31st. Upon reinstatement of that person's license, the commissioner may issue  
6 trap tags to that person.

7 **Emergency clause.** In view of the emergency cited in the preamble, this  
8 legislation takes effect when approved.

### 9 SUMMARY

10 This bill establishes in statute the Swans Island Lobster Conservation Area. Under  
11 this bill, the maximum allowable number of lobster traps and tags per individual  
12 registered to obtain Swans Island Lobster Conservation Area trap tags is 550.