MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1097

S.P. 379

In Senate, March 19, 2013

An Act To Allow the Sale of Incidentally Caught Lobsters

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

DAREK M. GRANT Secretary of the Senate

Presented by Senator HASKELL of Cumberland.

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

- Sec. 1. 12 MRSA §6421, sub-§4, as amended by PL 2011, c. 5, §1, is further amended to read:
 - **4. Exception.** A license is not required for a person:
 - A. To take or catch crabs with bare hands or hook and line; or
 - B. Who is issued a commercial fishing license under section 6501 to take, possess and sell crabs that have been taken as bycatch while using an otter trawl within the exclusive economic zone as shown on the most recently published Federal Government nautical chart. Crabs taken by otter trawl within the territorial waters must be liberated alive immediately; or
 - C. Who is issued a commercial fishing license under section 6501 and is participating in the federal northeast multispecies fishery under 50 Code of Federal Regulations, Part 648 (2012) or successor regulations to take, possess and sell lobsters that have been taken as bycatch with groundfish gear approved by the commissioner from Lobster Management Area 3 as delineated under 50 Code of Federal Regulations, Section 697.18(d) (2012). A lobster taken under this paragraph must be landed in the City of Portland at a commercial exchange that auctions fresh fish and seafood and must meet the requirements of sections 6431, 6436, 6438-A and 6441.
- 20 <u>This paragraph is repealed September 1, 2016.</u>
- Sec. 2. 12 MRSA §6432, sub-§1, as amended by PL 2003, c. 520, §4, is further amended to read:
 - **1. Conventional traps.** A person may not fish for or take lobster by any method other than conventional lobster traps, as defined in rule, or from any platform other than a vessel, except a person may take lobsters as bycatch pursuant to section 6421, subsection 4, paragraph C. A vessel does not include a dock.
 - Sec. 3. 12 MRSA §6501, sub-\$2, as amended by PL 2001, c. 421, Pt. B, §25 and affected by Pt. C, §1, is further amended to read:
 - **2. Licensed activity.** The holder of a commercial fishing license may fish for or take fish or possess, ship, transport or sell fish that the holder has taken <u>or take, possess and sell lobsters pursuant to section 6421, subsection 4, paragraph C.</u> The license authorizes crew members aboard the licensee's boat when it is engaged in commercial fishing to undertake these activities, if the license provides for crew members.
- **Sec. 4. 12 MRSA §6952-A, sub-§3,** as amended by PL 2011, c. 266, Pt. A, §22, is further amended to read:
- **3. Exceptions; boats.** This section does not apply to:
- A. A boat rigged for dragging, trawling, dredging or seining if all nets, drags and dredges are removed from the boat; or

- B. A boat rigged for netting if there are no finfish taken by gill net aboard-; or
- 2 <u>C. A boat under section 6421, subsection 4, paragraph C.</u>

- **Sec. 5. Authority to regulate landings.** The Commissioner of Marine Resources may adopt rules to regulate the landings of lobster under the Maine Revised Statutes, Title 12, section 6421, subsection 4, paragraph C, including to set the maximum poundage of lobsters landed. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
- **Sec. 6. Review.** The Commissioner of Marine Resources shall monitor and review the effect of this Act on the State's licensees under the Maine Revised Statutes, Title 12, section 6501 and, by January 1, 2016, report findings and any suggested legislation to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The joint standing committee of the Legislature having jurisdiction over marine resources matters may report out a bill to the Second Regular Session of the 127th Legislature based upon the subject matter of the report.

15 SUMMARY

This bill allows commercial fishing operators who take lobsters as bycatch from federal Lobster Management Area 3 to land the lobsters at a commercial exchange that auctions fish in the City of Portland with landing limits regulated by the Commissioner of Marine Resources based on the fishery's maintaining the lobster population at optimal levels. This bill directs the Commissioner of Marine Resources to monitor and review the effect of this regulation on the State's ground fishing fleet and report the findings of the review to the joint standing committee of the Legislature having jurisdiction over marine resources matters, which may report out a bill to the Second Regular Session of the 127th Legislature based upon the subject matter of the report.