

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 896

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H.P. 615

House of Representatives, March 12, 2015

### An Act To Improve Lobster Licensing

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative ALLEY of Beals.  
Cosponsored by Senator BURNS of Washington and  
Representatives: BURSTEIN of Lincolnville, COREY of Windham, HUBBELL of Bar  
Harbor, MAKER of Calais, SAWICKI of Auburn, SHORT of Pittsfield, STANLEY of  
Medway, TUELL of East Machias.

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

2 **Sec. 1. 12 MRSA §6421, sub-§5**, as amended by PL 2011, c. 486, §1, is further  
3 amended to read:

4 **5. Eligibility.** A noncommercial or student lobster and crab fishing license may ~~only~~  
5 be issued only to an individual who is a resident. A Class I, Class II or Class III license  
6 may be issued to a person 17 years of age or older only if the person:

7 A. Possessed a Class I, Class II or Class III lobster and crab fishing license in the  
8 previous calendar year;

9 C. Meets the requirements of the apprentice program under section 6422; ~~or~~

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

13 I. Is a retired marine patrol officer who qualifies for a service retirement benefit  
14 under section 17851 or 17851-A of Title 5.

15 Notwithstanding the age requirements of this subsection, a person who holds a Class I,  
16 Class II or Class III license on December 31, 2007 may continue to be issued a Class I,  
17 Class II or Class III license provided that person continues to meet the requirements of  
18 paragraph A.

19 **Sec. 2. 12 MRSA §6421, sub-§5-F** is enacted to read:

20 **5-F. Transfer of license upon sale of vessel and lobster and crab fishing traps.** A  
21 holder of a Class I, Class II or Class III lobster and crab fishing license may transfer the  
22 license to a person who has completed the apprentice program under section 6422, as  
23 long as the transferor notifies the department and the following conditions are met:

24 A. The transferor holds a valid Class I, Class II or Class III lobster and crab fishing  
25 license as of the date of the sale;

26 B. The transferor of the license sells to the transferee of the license the vessel used  
27 for lobster and crab fishing under the transferor's license, as described in section  
28 6431-E;

29 C. The transferee of the license purchases at least as many lobster and crab fishing  
30 traps from the transferor as the number of trap tags the transferee is eligible to  
31 purchase in the current license year; and

32 D. The transferor transfers the license, vessel and lobster and crab fishing traps to the  
33 transferor's spouse, brother, sister, son-in-law, daughter-in-law, parent by blood,  
34 parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption,  
35 stepchild, stepparent, grandchild, grandparent, nephew or niece.

36 Notwithstanding section 6448, the transferee of a lobster and crab fishing license under  
37 this section may be issued the license the transferee is eligible for at the date of sale  
38 without going on a waiting list. The commissioner shall adopt rules to implement the

1 provisions of this subsection. Rules adopted pursuant to this subsection are routine  
2 technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

3 **Sec. 3. 12 MRSA §6431-A, sub-§1-A** is enacted to read:

4 **1-A. Limit; retired marine patrol officer.** A person who is eligible for a lobster  
5 and crab fishing license solely under section 6421, subsection 5, paragraph I may not  
6 submerge more than 400 traps.

7 **Sec. 4. 12 MRSA §6445,** as amended by PL 1999, c. 771, Pt. B, §3 and affected  
8 by Pt. D, §§1 and 2, is further amended to read:

9 **§6445. Logbooks for lobster harvesters**

10 The commissioner shall adopt rules requiring any person holding a lobster and crab  
11 fishing license to maintain a logbook. The rules must indicate the type of data that must  
12 be recorded in the logbook, the manner for producing the logbooks and the method for  
13 analyzing data from the logbooks. The commissioner may not require that a logbook  
14 maintained under this section be produced for inspection more than 4 times during any  
15 10-year period. The commissioner shall charge a fee for the logbook that is sufficient to  
16 recover all costs associated with the production of the logbook and the analysis of the  
17 data. Fees received by the department from the sale of logbooks are dedicated revenue  
18 and must be used by the department for the purposes of this section. The logbook and  
19 data analysis may be produced and conducted by the department or may be produced and  
20 conducted by a public or private entity under contract with the department. Disclosure of  
21 any data collected under this section is subject to the confidentiality provisions of section  
22 6173. A person who fails to maintain a logbook when required to do so commits a civil  
23 violation for which a forfeiture of not less than \$100 and not more than \$500 may be  
24 adjudged. Rules adopted pursuant to this section are routine technical rules as defined in  
25 Title 5, chapter 375, subchapter 2-A.

26 **SUMMARY**

27 This bill provides that the holder of a Class I, Class II or Class III lobster and crab  
28 fishing license may transfer the license to the buyer of the transferor's vessel and lobster  
29 and crab fishing traps if the transferee has completed the apprentice program under the  
30 Maine Revised Statutes, Title 12, section 6422. This bill further provides that a retired  
31 marine patrol officer is eligible for a lobster and crab fishing license with a 400 trap limit.  
32 This bill also provides that a logbook maintained by a holder of a lobster and crab fishing  
33 license may not be inspected by the Commissioner of Marine Resources more than 4  
34 times in any 10-year period.