

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1016

S.P. 356

In Senate, March 19, 2015

**An Act To Allow Retired Marine Patrol Officers To Obtain up to 2
Marine Fisheries Licenses**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BURNS of Washington.
Cosponsored by Representative LONG of Sherman and
Senators: BAKER of Sagadahoc, DAVIS of Piscataquis, KATZ of Kennebec, LANGLEY of
Hancock, SAVIELLO of Franklin, WHITTEMORE of Somerset, Representatives: STANLEY
of Medway, TURNER of Burlington.

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 to an individual who is a resident. A Class I, Class II or Class III license may
6 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. Meets the requirements of subsection 5-F.

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

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

19 **5-F. Exception; retired marine patrol officer.** Notwithstanding section 6448, a
20 Class I, Class II or Class III lobster and crab fishing license may be issued upon
21 application to a retired marine patrol officer if the following requirements are met:

22 A. The person qualifies for a service retirement benefit under Title 5, section 17851
23 or 17851-A; and

24 B. The issuance of a license to the applicant under this section will not result in an
25 increase in the total number of licenses outstanding in the zone for which the license
26 is issued.

27 A retired marine patrol officer may be issued only one license under this subsection and
28 may hold in addition only one other license of those issued under sections 6505-A, 6701,
29 6702, 6748, 6748-A and 6748-D.

30 **Sec. 3. 12 MRSA §6448, sub-§4**, as amended by PL 2013, c. 239, §3, is further
31 amended to read:

32 **4. Limited-entry zone as declared lobster zone.** A person may not be issued a
33 Class I, Class II or Class III lobster and crab fishing license that identifies a limited-entry
34 zone as the declared lobster zone unless that person:

35 A. Held in the previous licensing year a Class I, Class II or Class III lobster and crab
36 fishing license that identified that zone as the person's declared lobster zone; ~~or~~

1 B. Is authorized as a new zone entrant by the commissioner pursuant to subsection
2 7-A to declare that zone as the person's declared lobster zone; or

3 C. Meets the requirements of section 6421, subsection 5-F.

4 **Sec. 4. 12 MRSA §6448, sub-§6**, as amended by PL 1999, c. 693, §2, is further
5 amended to read:

6 **6. Chronological waiting list.** The commissioner shall maintain and make available
7 a waiting list of people who have requested to declare a limited-entry zone as their
8 declared lobster zone. The list must be arranged in chronological order in accordance
9 with subsection 5. The commissioner shall create a waiting list for a zone at the time the
10 commissioner closes the zone pursuant to subsection 2, paragraph D. The commissioner
11 may not place a person who is eligible for a Class I, Class II or Class III lobster and crab
12 fishing license under section 6421, subsection 5-F on a waiting list.

13 **Sec. 5. 12 MRSA §6505-A, sub-§2**, as amended by PL 2011, c. 549, §3, is
14 further amended to read:

15 **2. Eligibility.** An elver fishing license may be issued only to an individual who:

16 C. Possessed an elver fishing license in the previous calendar year;

17 E. Did not possess an elver fishing license in the previous calendar year because the
18 commissioner had suspended the person's license privileges for a length of time that
19 included the previous calendar year; ~~or~~

20 F. Becomes eligible to obtain an elver fishing license pursuant to the elver lotteries
21 under subsection 2-B; or

22 G. Meets the requirements of subsection 2-C.

23 **Sec. 6. 12 MRSA §6505-A, sub-§2-C** is enacted to read:

24 **2-C. Exception; retired marine patrol officer.** Notwithstanding subsection 2-B,
25 paragraph B, an elver fishing license may be issued upon application to a retired marine
26 patrol officer if the following requirements are met:

27 A. The person qualifies for a service retirement benefit under Title 5, section 17851
28 or 17851-A; and

29 B. The issuance of a license to the applicant under this section will not result in an
30 increase in the total number of licenses outstanding of the type of the license issued.

31 A retired marine patrol officer may be issued only one license under this subsection and
32 may hold in addition only one other license of those issued under sections 6421, 6701,
33 6702, 6748, 6748-A and 6748-D.

34 **Sec. 7. 12 MRSA §6706, sub-§2**, as amended by PL 2011, c. 237, §1, is further
35 amended to read:

36 **2. License eligibility in subsequent years.** Except as provided in ~~subsection~~
37 subsections 2-A and 3, the commissioner may not issue a hand fishing scallop license or a

1 scallop dragging license to any person in any year subsequent to 2009 unless that person
2 possessed that license in the previous calendar year or is eligible to obtain a license in
3 accordance with the limited entry system established under subsection 3.

4 **Sec. 8. 12 MRSA §6706, sub-§2-A** is enacted to read:

5 **2-A. Exception; retired marine patrol officer.** Notwithstanding subsection 2, a
6 retired marine patrol officer may be issued upon application a hand fishing scallop license
7 or a scallop dragging license if the following requirements are met:

8 A. The person qualifies for a service retirement benefit under Title 5, section 17851
9 or 17851-A; and

10 B. The issuance of a license to the applicant under this section will not result in an
11 increase in the total number of hand fishing scallop licenses or scallop dragging
12 licenses.

13 A retired marine patrol officer may be issued only one license under this subsection and
14 may hold in addition only one other license of those issued under sections 6421, 6505-A,
15 6701, 6702, 6748, 6748-A and 6748-D.

16 **Sec. 9. 12 MRSA §6749-O, sub-§2-A**, as repealed and replaced by PL 2007, c.
17 615, §18, is amended to read:

18 **2-A. License eligibility.** The commissioner may not issue a handfishing sea urchin
19 license, a sea urchin dragging license or a sea urchin hand-raking and trapping license to
20 any person unless that person:

21 A. Possessed that license in the previous calendar year;

22 B. Becomes eligible to obtain that license pursuant to a limited entry system under
23 subsection 2-B; ~~or~~

24 C. Did not possess a sea urchin license in the previous calendar year because the
25 commissioner had suspended the person's license privileges for a length of time that
26 included the previous calendar year; or

27 D. Meets the requirements of subsection 2-C.

28 **Sec. 10. 12 MRSA §6749-O, sub-§2-C** is enacted to read:

29 **2-C. Exception; retired marine patrol officer.** Notwithstanding subsections 2-A
30 and 2-B, a retired marine patrol officer may be issued upon application a handfishing sea
31 urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping
32 license if the following requirements are met:

33 A. The person qualifies for a service retirement benefit under Title 5, section 17851
34 or 17851-A; and

35 B. The issuance of a license to the applicant under this section will not result in an
36 increase in the total number of handfishing sea urchin licenses, sea urchin dragging
37 licenses or sea urchin hand-raking and trapping licenses.

1 A retired marine patrol officer may be issued only one license under this subsection and
2 may hold in addition only one other license of those issued under sections 6421, 6505-A,
3 6701, 6702, 6748, 6748-A and 6748-D.

4 **SUMMARY**

5 This bill provides that a retired marine patrol officer who applies for a Class I, Class
6 II or Class III lobster and crab fishing license, an elver fishing license, a hand fishing
7 scallop license, a scallop dragging license, a handfishing sea urchin license, a sea urchin
8 dragging license or a sea urchin hand-raking and trapping license must be issued up to 2
9 of the licenses, but in no case 2 of the same license, if certain conditions are met. To be
10 issued a license, the applicant must be eligible for service retirement benefits under the
11 State Employee and Teacher Retirement Program and the issuance of the license must not
12 result in an increase in the total number of licenses outstanding in the fishery for which
13 the license is issued.