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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1503

H.P. 1026

House of Representatives, December 23, 2015

An Act To Create a Class II Limited Lobster and Crab Fishing License and Improve the Limited-entry System

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2015. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KUMIEGA of Deer Isle.
Cosponsored by Senator LANGLEY of Hancock and
Representatives: ALLEY of Beals, BATTLE of South Portland, BLUME of York, DEVIN of
Newcastle, McCREIGHT of Harpswell, Senator: MIRAMANT of Knox.

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

2 **Sec. 1. 12 MRSA §6302-A, sub-§3, ¶A,** as amended by PL 2011, c. 598, §17, is
3 further amended to read:

4 A. The Passamaquoddy Tribe and Penobscot Nation may each issue to members of
5 its tribe or nation, as the case may be, up to 24 commercial lobster and crab fishing
6 licenses in any calendar year, including all licenses equivalent to Class I, Class II,
7 Class II limited or Class III licenses and student licenses, but not including apprentice
8 licenses. Licenses issued under this paragraph are subject to the eligibility
9 requirements of section 6421, subsection 5;

10 **Sec. 2. 12 MRSA §6302-A, sub-§3, ¶A-1,** as enacted by PL 2011, c. 598, §17, is
11 amended to read:

12 A-1. The Aroostook Band of Micmacs or its agent may issue to members of the band
13 up to 10 commercial lobster and crab fishing licenses in any calendar year, including
14 all licenses equivalent to Class I, Class II, Class II limited or Class III licenses and
15 student licenses, but not including apprentice licenses. Licenses issued under this
16 paragraph are subject to the eligibility requirements of section 6421, subsection 5;

17 **Sec. 3. 12 MRSA §6302-A, sub-§3, ¶A-2,** as enacted by PL 2013, c. 254, §3, is
18 amended to read:

19 A-2. The Houlton Band of Maliseet Indians or its agent may issue to members of the
20 band up to 10 commercial lobster and crab fishing licenses in any calendar year,
21 including all licenses equivalent to Class I, Class II, Class II limited or Class III
22 licenses and student licenses, but not including apprentice licenses. Licenses issued
23 under this paragraph are subject to the eligibility requirements of section 6421,
24 subsection 5;

25 **Sec. 4. 12 MRSA §6310, sub-§1,** as amended by PL 2011, c. 266, Pt. A, §3, is
26 further amended to read:

27 **1. Appeal of license denial.** A person who is denied a Class I, Class II, Class II
28 limited or Class III lobster and crab fishing license because that person does not meet the
29 eligibility requirements of section 6421, subsection 5, paragraph A; a person who is
30 denied a handfishing sea urchin license, a sea urchin dragging license or a sea urchin
31 hand-raking and trapping license because that person does not meet the eligibility
32 requirements of section 6749-O, subsection 2-A; or a person who is denied a hand fishing
33 scallop license or a scallop dragging license because that person does not meet the
34 eligibility requirements of section 6706, subsection 2 may appeal to the commissioner
35 under this section for a review of that license denial.

36 **Sec. 5. 12 MRSA §6310, sub-§2, ¶A,** as amended by PL 2013, c. 319, §1, is
37 further amended to read:

38 A. A Class I, Class II, Class II limited or Class III lobster and crab fishing license
39 may be issued to a person on appeal only if:

1 (1) A substantial illness or medical condition on the part of the person or a
2 family member prevented that person from meeting the eligibility requirements
3 for a license in 1997, 1998 or 1999, and the person documents that the person
4 harvested lobsters while in possession of a Class I, Class II or Class III lobster
5 and crab fishing license within one year prior to the onset of the illness or
6 medical condition. The person shall provide the commissioner with
7 documentation from a physician describing the illness or other medical condition.
8 A person may not request an appeal under this subparagraph after December 31,
9 2001; or

10 (2) A substantial illness or medical condition on the part of the person or a
11 family member prevented that person from meeting the eligibility requirements
12 for a license in licensing year 2000 or in subsequent years, and the person
13 documents that the person harvested lobsters while in possession of a Class I,
14 Class II, Class II limited or Class III lobster and crab fishing license within one
15 year prior to the onset of the illness or medical condition. The person shall
16 provide the commissioner with documentation from a physician describing the
17 illness or other medical condition. A person must request an appeal under this
18 subparagraph within one year of the onset of the illness or medical condition.

19 **Sec. 6. 12 MRSA §6406, sub-§1, ¶B,** as amended by PL 1991, c. 302, §1, is
20 further amended to read:

21 B. Give another person permission to raise, lift, transfer or possess lobster traps or
22 cars marked with the suspended person's lobster and crab fishing license number or
23 lobster traps with buoys that carry the color design on file with the suspended license;
24 or

25 **Sec. 7. 12 MRSA §6406, sub-§1, ¶C,** as amended by PL 1991, c. 302, §1, is
26 repealed.

27 **Sec. 8. 12 MRSA §6408,** as reallocated by RR 1999, c. 2, §13, is amended to read:

28 **§6408. Suspension of lobster and crab fishing license**

29 A person whose Class I, Class II, Class II limited or Class III lobster and crab fishing
30 license has been suspended for more than one year must appear in person before the
31 commissioner prior to being issued a Class I, Class II, Class II limited or Class III lobster
32 and crab fishing license pursuant to section 6421, subsection 5, paragraph D.

33 **Sec. 9. 12 MRSA §6421, sub-§1, ¶B-1** is enacted to read:

34 B-1. Class II limited lobster and crab fishing license;

35 **Sec. 10. 12 MRSA §6421, sub-§2,** as amended by PL 1995, c. 568, §1, is further
36 amended to read:

37 **2. Licensed activity.** The holder of a Class I, Class II, Class II limited, Class III,
38 apprentice or student lobster and crab fishing license may fish for, take, possess, ship or
39 transport within the State lobsters or crabs and sell lobsters or crabs the license holder has
40 taken. The license does not authorize the license holder to remove lobster meat from the

1 shell or to take, possess, transport or ship lobster parts or meat. The holder of a Class II,
2 Class II limited or Class III license is liable for the licensed activities under this
3 subsection of all unlicensed crew members assisting that licensee.

4 **Sec. 11. 12 MRSA §6421, sub-§3-A, ¶B-1** is enacted to read:

5 B-1. A Class II limited license authorizes the license holder to engage in the licensed
6 activities under subsection 2. A Class II limited license holder may engage one
7 unlicensed crew member to assist in the licensed activities under the direct
8 supervision of the Class II limited license holder, except as provided in section
9 6445-A.

10 **Sec. 12. 12 MRSA §6421, sub-§3-A, ¶D**, as amended by PL 1999, c. 490, §1, is
11 further amended to read:

12 D. An apprentice lobster and crab fishing license authorizes the apprentice so
13 licensed to engage in the licensed activities under subsection 2 on that apprentice's
14 sponsor's vessel when the apprentice's sponsor is on board the vessel. A person who
15 holds an apprentice lobster and crab fishing license may not tend any traps unless the
16 traps are fished by the sponsor of the apprentice so licensed. An applicant for an
17 apprentice lobster and crab fishing license may designate up to 3 sponsors. For the
18 purpose of this paragraph, "apprentice's sponsor" means a person who holds a Class I,
19 Class II, Class II limited or Class III lobster and crab fishing license issued under this
20 section.

21 **Sec. 13. 12 MRSA §6421, sub-§3-A, ¶E**, as amended by PL 2015, c. 68, §3, is
22 further amended to read:

23 E. A student license authorizes the license holder to engage in the licensed activities
24 under subsection 2. A student license may be issued only to a person who, at the time
25 of application, is 8 years of age or older and under 23 years of age. A person issued a
26 student license may not submerge more than:

- 27 (1) Ten lobster traps in the coastal waters of the State if the person is 8 years of
28 age or older and under 11 years of age;
- 29 (2) Fifty lobster traps in the coastal waters of the State if the person is 11 years
30 of age or older and under 14 years of age; or
- 31 (3) One hundred and fifty lobster traps in the coastal waters of the State if the
32 person is 14 years of age or older and under 23 years of age.

33 A person issued a student license is enrolled in the apprentice program under section
34 6422. When applying for a license the person must designate a sponsor and may
35 designate up to 3 sponsors. For the purposes of this paragraph, "sponsor" means a
36 person who holds a Class I, Class II, Class II limited or Class III lobster and crab
37 fishing license issued under this section.

38 **Sec. 14. 12 MRSA §6421, sub-§5**, as amended by PL 2011, c. 486, §1, is further
39 amended to read:

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

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

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

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

11 Notwithstanding the age requirements of this subsection, a person who holds a Class I,
12 Class II or Class III license on December 31, 2007 may continue to be issued a Class I,
13 Class II or Class III license ~~provided~~, or may be issued a Class II limited license under
14 subsection 5-F, as long as that person continues to meet the requirements of paragraph A.

15 **Sec. 15. 12 MRSA §6421, sub-§5-A,** as amended by PL 2007, c. 219, §1, is
16 repealed and the following enacted in its place:

17 **5-A. Student lobster and crab fishing license eligibility.** A student lobster and
18 crab fishing license may be issued to a person who, at the time of application, is 8 years
19 of age or older and under 23 years of age and who:

20 A. Is a full-time student. For the purposes of this paragraph, "full-time student"
21 means:

22 (1) A person attending a public day school in accordance with the attendance
23 requirement of Title 20-A, section 5001-A, subsection 1;

24 (2) A person meeting the requirements of an alternative to attendance at public
25 day school in accordance with Title 20-A, section 5001-A, subsection 3; or

26 (3) A person enrolled in and meeting the requirements of a full-time course of
27 study at a college or university accredited by a state-recognized accrediting
28 agency or body; or

29 B. Received a high school diploma or a high school equivalency diploma before
30 attaining 23 years of age and:

31 (1) Held a student lobster and crab fishing license prior to attaining 18 years of
32 age; and

33 (2) Logged time fishing under the student lobster and crab fishing license under
34 subparagraph (1) in accordance with section 6455.

35 A person may not be considered to have ceased to be a student during any interim
36 between school years if the interim does not exceed 5 months and if it is shown that the
37 person has a bona fide intention of continuing to pursue a full-time course of study during
38 the semester or other enrollment period immediately following the interim period. For
39 purposes of this subsection, "full-time course of study" means at least 60% of the usual
40 course load for the program in which the person is enrolled.

1 The commissioner may revoke a student license of an individual who has ceased to be a
2 full-time student.

3 **Sec. 16. 12 MRSA §6421, sub-§5-B, ¶B,** as enacted by PL 2001, c. 581, §1, is
4 amended to read:

5 B. Held a Class I, Class II, Class II limited or Class III lobster and crab fishing
6 license and has landed lobster under that license.

7 **Sec. 17. 12 MRSA §6421, sub-§5-F** is enacted to read:

8 **5-F. Class II limited lobster and crab license eligibility.** A Class II limited lobster
9 and crab fishing license may be issued to a person 17 years of age or older only if the
10 person:

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

13 B. Meets the requirements of the apprentice program under section 6422; or

14 C. Did not possess a Class I, Class II, Class II limited or Class III lobster and crab
15 fishing license in the previous calendar year because the commissioner had
16 suspended the person's license privileges for a length of time that included the
17 previous calendar year.

18 **Sec. 18. 12 MRSA §6421, sub-§7-A, ¶¶C-2 and C-3** are enacted to read:

19 C-2. One hundred thirty-six dollars for a resident Class II limited license;

20 C-3. Seven hundred ninety-three dollars for a nonresident Class II limited license;

21 **Sec. 19. 12 MRSA §6421, sub-§8,** as amended by PL 2009, c. 213, Pt. G, §3, is
22 repealed and the following enacted in its place:

23 **8. Exception.** The fee for an apprentice lobster and crab fishing license for an
24 applicant 70 years of age or older is \$66.

25 **Sec. 20. 12 MRSA §6422, sub-§5** is enacted to read:

26 **5. Prohibition.** Rules adopted under this section may not require a person who has
27 registered to enter an established island limited-entry zone program as described under
28 section 6449 to apprentice in the zone in which the island limited-entry zone program is
29 located.

30 **Sec. 21. 12 MRSA §6431-A, sub-§1,** as amended by PL 2007, c. 201, §12, is
31 further amended to read:

32 **1. Limit.** Before March 1, 2000, the holder of a Class I, Class II or Class III license
33 issued under section 6421 may not submerge more than 1,000 traps. After February 29,
34 2000, the holder of a Class I, Class II or Class III license or a nonresident lobster and crab
35 landing permit issued under section 6421 may not submerge more than 800 traps. The
36 number of traps fished from a vessel may not exceed the applicable trap limit established

1 in this subsection, regardless of the number of license holders fishing from that vessel. If
2 a lower trap limit is adopted by rule for a zone pursuant to section 6446, a license holder
3 who fishes in that zone may not submerge a number of traps that exceeds the lower limit.

4 ~~The number of traps fished from a vessel may not exceed the applicable trap limit~~
5 ~~established in this subsection, regardless of the number of license holders fishing from~~
6 ~~that vessel.~~

7 A. The holder of a Class I, Class II or Class III license or a nonresident lobster and
8 crab landing permit issued under section 6421 may not submerge more than 800
9 traps.

10 B. The holder of a Class II limited license may not submerge more than 300 traps.

11 **Sec. 22. 12 MRSA §6431-E, sub-§2**, as amended by PL 2009, c. 394, §7, is
12 further amended to read:

13 **2. Owner or family member on board.** This subsection applies to a person that
14 holds a Class I, Class II, Class II limited or Class III lobster and crab fishing license
15 issued under section 6421. Except as provided in subsection 3, a vessel may not be used
16 to fish for or take lobsters unless that vessel is owned by a Class I, Class II, Class II
17 limited or Class III lobster and crab fishing license holder and:

18 A. The owner of that vessel is present on that vessel and has that vessel named on the
19 owner's Class I, Class II, Class II limited or Class III lobster and crab fishing license;
20 or

21 B. A family member of the vessel owner holds a Class I, Class II, Class II limited or
22 Class III lobster and crab fishing license and is present on that vessel.

23 **Sec. 23. 12 MRSA §6431-E, sub-§3**, as amended by PL 2013, c. 468, §15, is
24 further amended to read:

25 **3. Exemptions; individuals.** The commissioner may authorize a person to fish for
26 or take lobsters from a vessel when an owner or family member is not on board pursuant
27 to subsection 2 if that person holds a Class I, Class II, Class II limited or Class III lobster
28 and crab fishing license and:

29 A. The owner of that vessel holds a Class I, Class II, Class II limited or Class III
30 lobster and crab fishing license, documents to the commissioner that an illness or
31 disability temporarily prevents that owner from fishing for or taking lobsters from
32 that vessel, and requests in writing to the commissioner that the commissioner
33 authorize that person to use that vessel to fish for or take lobsters and tend the
34 owner's traps pursuant to section 6434;

35 B. Is the owner of a vessel that has become temporarily inoperable because of an
36 accident or a mechanical failure and requests in writing permission from the
37 commissioner to use that vessel to fish for or take lobsters;

38 B-1. Was the owner of a vessel that was named on that individual's Class I, Class II,
39 Class II limited or Class III lobster and crab fishing license but is no longer the owner
40 of that vessel due to sale or foreclosure. The individual must demonstrate immediate

1 intent to become the owner of another vessel that will be used to fish for or take
2 lobsters and request in writing permission from the commissioner to use the other
3 vessel to fish for or take lobsters for a limited period of time;

4 C. Documents to the commissioner by December 31, 2000 that that person fished for
5 or took lobsters during the qualifying period in each of calendar years 1995, 1996 and
6 1997 from the same vessel and that vessel did not have on board an individual who
7 meets the criteria of subsection 2, paragraph A or B. A person may not qualify for
8 the exemption under this paragraph unless that person continues to fish for or take
9 lobsters from the vessel from which the person harvested lobsters during the
10 qualifying period in each of calendar years 1995, 1996 and 1997, or from a
11 replacement vessel;

12 D. An individual, partnership, corporation or other entity documents to the
13 commissioner by December 31, 2000 that that individual or partnership, corporation
14 or other entity rented, leased or otherwise made available that vessel to the holder of
15 a Class I, Class II or Class III lobster and crab fishing license during the qualifying
16 period in each of calendar years 1995, 1996 and 1997 for the purpose of fishing for or
17 taking lobsters. A person authorized under this paragraph may fish for or take
18 lobsters only from the vessel that was made available during the qualifying period in
19 each of calendar years 1995, 1996 and 1997, or a replacement vessel; or

20 E. The person is licensed by the United States Coast Guard to operate a passenger-
21 carrying vessel in coastal waters. The vessel must be inspected by the United States
22 Coast Guard and documented and licensed by the United States Coast Guard to carry
23 passengers. By June 30, 2001, the owner of the vessel shall document to the
24 commissioner that the vessel was utilized to fish for or take lobsters with paying
25 passengers on board during the qualifying period in each of calendar years 1995,
26 1996 and 1997. The owner of the vessel shall notify the commissioner in writing on
27 an annual basis, prior to the vessel being utilized to fish for or take lobsters, of the
28 name and lobster license number of any person who will be using the vessel to fish
29 for lobster during that calendar year. A person authorized under this paragraph may
30 fish for or take lobsters only from the vessel that was made available during the
31 qualifying period in each of calendar years 1995, 1996 and 1997, or a replacement
32 vessel. No more than 40 lobster traps may be fished from that vessel.

33 **Sec. 24. 12 MRSA §6431-F, sub-§1, ¶B**, as amended by PL 2005, c. 239, §2, is
34 further amended to read:

35 B. Each year, a Class I, Class II, Class II limited or Class III lobster and crab fishing
36 license holder may purchase a number of trap tags that is not greater than 100 more
37 than the number the license holder purchased for the previous license year as long as
38 the total number purchased does not exceed the number of traps allowed under the
39 lowest trap limit established for the license or by rule for the zones identified on that
40 person's license pursuant to section 6446, subsection 1-A.

41 **Sec. 25. 12 MRSA §6431-F, sub-§2**, as amended by PL 2005, c. 239, §2, is
42 further amended to read:

43 **2. Exceptions.** Notwithstanding subsection 1, the following trap tag limits apply:

1 A. If the license holder was issued a Class I, Class II, Class II limited or Class III
2 lobster and crab fishing license for the first time after meeting the requirements of the
3 apprentice program under section 6422, the license holder may not purchase more
4 than 300 trap tags for the initial license year. For each following year, the license
5 holder may purchase up to an increase of 100 trap tags each year as long as the total
6 number purchased does not exceed the number of traps allowed under the lowest trap
7 limit established for the license or by rule for the zones identified on that person's
8 license pursuant to section 6446, subsection 1-A; ~~and~~

9 C. If the license holder was issued a Class I, Class II, Class II limited or Class III
10 lobster and crab fishing license on appeal, the license holder may purchase for the
11 initial license year a number of trap tags up to the number of trap tags purchased by
12 the person for the most recent year in which the person held a license. For each
13 following year, the license holder may purchase up to an increase of 100 trap tags
14 each year as long as the total number purchased does not exceed the number of traps
15 allowed under the lowest trap limit established for the license or by rule for the zones
16 identified on that person's license pursuant to section 6446, subsection 1-A; and

17 D. A holder of a Class I, Class II, Class II limited or Class III lobster and crab
18 fishing license may purchase up to the maximum number of trap tags the license
19 holder purchased under that license in any previous year.

20 **Sec. 26. 12 MRSA §6431-G**, as amended by PL 2013, c. 468, §§16 and 17, is
21 further amended to read:

22 **§6431-G. Vessel operation**

23 **1. Limitation.** Except as provided in subsection 2, the holder of a Class I, Class II,
24 Class II limited or Class III lobster and crab fishing license may not operate a vessel for
25 the purposes of fishing for or taking lobster other than the vessel named on the holder's
26 lobster and crab fishing license. For the purposes of this section, "operate a vessel"
27 means steering the vessel, operating the vessel's engine throttle or gear shift or operating
28 the mechanism used to haul lobster traps from the water. "Operating a vessel" does not
29 include the baiting of traps or the handling of traps once they are on board the vessel.

30 **2. Exemptions.** The commissioner may authorize an individual who possesses a
31 Class I, Class II, Class II limited or Class III lobster and crab fishing license to fish for or
32 take lobsters from a vessel other than the vessel named on the holder's lobster and crab
33 fishing license if:

34 A. A Class I, Class II, Class II limited or Class III license holder is temporarily
35 prevented by illness or disability from fishing for or taking lobsters from the license
36 holder's vessel and requests in writing to the commissioner that the commissioner
37 authorize the individual to operate that vessel to fish for or take lobsters and tend the
38 license holder's traps pursuant to section 6434;

39 B. The vessel named on the individual's license has become temporarily inoperable
40 because of an accident or a mechanical failure and the individual requests in writing
41 and is granted permission from the commissioner to use another vessel to fish for or
42 take lobsters;

1 C. The individual is designated as the sponsor of a student pursuant to section 6421
2 and is operating the vessel named on the student's license for the purposes of
3 providing practical lobster fishing training to the student while the student is present
4 on the vessel; or

5 D. The individual was the owner of a vessel that was named on that individual's
6 Class I, Class II, Class II limited or Class III lobster and crab fishing license but is no
7 longer the owner of that vessel due to sale or foreclosure. The individual must
8 demonstrate immediate intent to become the owner of another vessel that will be used
9 to fish for or take lobsters and request in writing permission from the commissioner
10 to use the other vessel to fish for or take lobsters for a limited period of time.

11 **Sec. 27. 12 MRSA §6445-A, sub-§1**, as amended by PL 2013, c. 468, §22, is
12 further amended to read:

13 **1. Sale prohibited; exception.** An unlicensed crew member engaged by a holder of
14 a Class II, Class II limited or Class III lobster and crab fishing license may not sell
15 lobsters or crabs unless the unlicensed crew member:

16 A. Sells lobsters or crabs under the direct supervision of the holder of the Class II,
17 Class II limited or Class III lobster and crab fishing license under whose authority the
18 lobster or crabs were taken to a purchaser who holds a valid wholesale seafood
19 license with a lobster permit or a valid retail seafood license; and

20 B. Provides to the purchaser the name and license number of the license holder with
21 whom the crew member was engaged when the lobsters or crabs were harvested.

22 **Sec. 28. 12 MRSA §6446, sub-§1-A**, as amended by PL 2015, c. 68, §5, is
23 further amended to read:

24 **1-A. Declared lobster zone; authorized zones.** On an application for a Class I,
25 Class II, Class II limited, Class III, student or noncommercial lobster and crab fishing
26 license or a nonresident lobster and crab landing permit, a person shall declare the lobster
27 management zone in which that person proposes to fish a majority of that person's lobster
28 traps and shall list all other zones in which that person proposes to fish any of that
29 person's lobster traps. A Class I, Class II, Class II limited, Class III, student or
30 noncommercial lobster and crab fishing license or a nonresident lobster and crab landing
31 permit must identify the declared lobster zone in which the person is authorized to fish a
32 majority of that person's lobster traps and must identify all other zones in which a person
33 is authorized to fish that person's traps. A person may not place any lobster traps in a
34 zone that is not identified on that person's license. For the purposes of this subsection,
35 the majority of a person's lobster traps must be determined from the number of trap tags
36 issued to that person.

37 **Sec. 29. 12 MRSA §6447, sub-§5-C, ¶¶B and C**, as enacted by PL 2005, c.
38 202, §4 and affected by §5, are amended to read:

39 B. Require a sponsor of an apprentice to have held a Class I, Class II, Class II limited
40 or Class III lobster and crab fishing license for at least 5 years; and

1 C. Require a person to complete all requirements of the apprentice program in a
2 specific zone in order to enter that zone as a Class I, Class II, Class II limited or Class
3 III lobster and crab fishing license holder. A rule proposed under this paragraph and
4 adopted under section 6446, subsection 2 may not be applied to those portions of the
5 apprentice program requirements a person has completed prior to the effective date of
6 the rule.

7 **Sec. 30. 12 MRSA §6447, sub-§7, ¶A**, as enacted by PL 1995, c. 468, §8, is
8 amended to read:

9 A. Possesses a Class I, Class II, Class II limited or Class III lobster and crab fishing
10 license issued under section 6421; and

11 **Sec. 31. 12 MRSA §6447, sub-§7, ¶B**, as amended by PL 1999, c. 508, §2, is
12 further amended to read:

13 B. Declared at the time of obtaining a Class I, Class II, Class II limited or Class III
14 license the zone in which the person fishes a majority of that person's lobster traps. A
15 person may declare only one zone as the zone in which the person fishes a majority
16 of that person's lobster traps.

17 **Sec. 32. 12 MRSA §6448, sub-§1, ¶C**, as enacted by PL 1999, c. 508, §3, is
18 amended to read:

19 C. "New zone entrant" means a person who declares a limited-entry zone as that
20 person's declared lobster zone but who did not hold in the previous licensing year a
21 Class I, Class II, Class II limited or Class III lobster and crab fishing license that
22 identified that zone as the person's declared lobster zone.

23 **Sec. 33. 12 MRSA §6448, sub-§2, ¶A-1**, as enacted by PL 2013, c. 239, §2, is
24 repealed.

25 **Sec. 34. 12 MRSA §6448, sub-§2, ¶B**, as amended by PL 2013, c. 239, §2, is
26 further amended to read:

27 B. The commissioner may initiate rulemaking under this subsection only upon
28 receipt of a proposal under paragraph A ~~or a recommendation under paragraph A-1~~.
29 The commissioner shall hold a public hearing on the proposed rules pursuant to Title
30 5, section 8052. The public hearing must be held in the zone in which the rules
31 would apply and the results of the written survey regarding the exit ratio must be
32 entered into the record.

33 **Sec. 35. 12 MRSA §6448, sub-§2, ¶C**, as amended by PL 2013, c. 239, §2, is
34 repealed and the following enacted in its place:

35 C. In accordance with subsection 7-A, the commissioner shall adopt rules that
36 establish an exit ratio between the number of individuals who declared that zone as
37 their declared lobster zone in the year prior to the previous calendar year, but who did
38 not declare that zone as their declared lobster zone in the previous calendar year, and
39 the number of new zone entrants authorized under subsection 7-A.

1 An exit ratio established by rule under this subsection is not required to be the same
2 as the exit ratio proposed by the lobster management policy council.

3 **Sec. 36. 12 MRSA §6448, sub-§2, ¶E**, as amended by PL 2013, c. 239, §2, is
4 further amended to read:

5 E. When a lobster management policy council proposes to the commissioner a
6 change in the exit ratio established under paragraph C and a new exit ratio is adopted
7 by rule under this subsection, the commissioner shall allow individuals who meet the
8 following conditions to enter the zone in accordance with the previously existing exit
9 ratio:

10 (1) The individual has completed the requirements of the apprenticeship program
11 established under section 6422 by the date the commissioner receives written
12 notification from the lobster management policy council that a majority of the
13 council has voted to conduct a survey pursuant to paragraph D; and

14 (2) The individual's name is listed on the waiting list maintained under
15 subsection 6 by the date the commissioner receives written notification from the
16 lobster management policy council that a majority of the council has voted to
17 conduct a survey pursuant to paragraph D.

18 ~~This paragraph does not apply when the methodology by which new entrants are~~
19 ~~calculated is changed from trap tags to licenses or when an exit ratio based on the~~
20 ~~number of trap tags retired is adopted, in accordance with paragraph C, for the first~~
21 ~~time in a lobster management zone.~~

22 **Sec. 37. 12 MRSA §6448, sub-§3**, as amended by PL 2015, c. 68, §7, is further
23 amended to read:

24 **3. Fishing in limited-entry zones.** A person who holds a Class I, Class II, Class II
25 limited, Class III or student lobster and crab fishing license may not fish a majority of
26 that person's lobster traps in a limited-entry zone unless that person's license identifies
27 that zone as the declared lobster zone.

28 **Sec. 38. 12 MRSA §6448, sub-§4**, as amended by PL 2013, c. 239, §3, is further
29 amended to read:

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

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

36 B. Is authorized as a new zone entrant by the commissioner pursuant to subsection
37 7-A to declare that zone as the person's declared lobster zone.

38 **Sec. 39. 12 MRSA §6448, sub-§5, ¶A**, as enacted by PL 1999, c. 693, §2, is
39 amended to read:

1 A. A person who held a Class I, Class II, Class II limited or Class III lobster and crab
2 fishing license in the previous licensing year and wishes to be a new zone entrant
3 shall indicate to the commissioner in writing a request to declare a limited-entry zone
4 as the person's declared lobster zone. The person must be put on a waiting list
5 maintained under subsection 6 according to the time and date the commissioner
6 receives the request.

7 **Sec. 40. 12 MRSA §6448, sub-§5, ¶B**, as enacted by PL 1999, c. 693, §2, is
8 amended to read:

9 B. A person who did not hold a Class I, Class II, Class II limited or Class III lobster
10 and crab fishing license in the previous licensing year and wishes to be a new zone
11 entrant shall indicate to the commissioner in writing which zone the person requests
12 to declare as the person's declared lobster zone. The person must be put on a waiting
13 list maintained under subsection 6 according to the date the commissioner determines
14 that the person is eligible for a Class I, Class II, Class II limited or Class III lobster
15 and crab fishing license pursuant to section 6421, subsection 5, except that if the
16 person does not indicate to the commissioner in writing which zone the person
17 requests to declare as the person's declared lobster zone within 30 days of the date the
18 commissioner determines that the person is eligible, the person must be put on the
19 waiting list according to the time and date the commissioner receives such a written
20 request.

21 **Sec. 41. 12 MRSA §6448, sub-§7-A**, as enacted by PL 2013, c. 239, §5, is
22 repealed and the following enacted in its place:

23 **7-A. Authorization of new zone entrants.** The commissioner shall determine by
24 February 1st of each licensing year the number of new zone entrants that may be
25 authorized for each limited-entry zone. The number of new zone entrants authorized in a
26 licensing year must be in accordance with the exit ratio established under subsection 2 for
27 that zone. The commissioner may adopt rules consistent with subsection 2, paragraph B
28 to implement this subsection. Upon adoption of rules, the exit ratio must be used to
29 establish the number of new zone entrants in accordance with subsection 2, paragraph C
30 by applying the exit ratio to the number of individuals who declared that zone as their
31 declared lobster zone in the year prior to the previous calendar year, but who did not
32 declare that zone as their declared lobster zone in the previous calendar year.

33 The commissioner shall authorize new zone entrants in chronological order of requests
34 received under subsection 5. The commissioner shall notify the authorized new zone
35 entrants by certified mail. If a person does not declare a zone within 30 days after
36 receiving the notification by certified mail, that person must be taken off the waiting list
37 and the next person on the list must be authorized as a new zone entrant. If a person has
38 indicated a request for more than one zone pursuant to subsection 5, that person must be
39 taken off the waiting list for the 2nd zone when the person declares one of the zones as
40 that person's declared lobster zone after being authorized to do so. If a person who holds a
41 current Class I, Class II, Class II limited or Class III lobster and crab fishing license is
42 authorized as a new zone entrant and declares the zone as that person's declared lobster
43 zone, the commissioner shall change the zone identified on that person's license to the
44 limited-entry zone for which the person is authorized.

1 **Sec. 42. 12 MRSA §6448, sub-§8**, as amended by PL 2013, c. 239, §6, is further
2 amended to read:

3 **8. Exceptions.** Notwithstanding subsection 4, the following persons may be issued a
4 Class I, Class II, Class II limited or Class III lobster and crab fishing license that
5 identifies a limited-entry zone as the declared lobster zone without meeting the
6 requirements in subsection 4.

7 A. A person who is under ~~18~~ 23 years of age who successfully completed the
8 requirements of the apprentice program under section 6422 and who submitted
9 documentation of completion of the apprentice program to the department before
10 attaining ~~18~~ 23 years of age may declare any zone as that person's declared lobster
11 zone as long as the individual has met all apprentice program rules that may have
12 been adopted in that zone.

13 B. A person who is issued a Class I, Class II, Class II limited or Class III lobster and
14 crab fishing license on appeal pursuant to section 6310, subsection 2, paragraph A,
15 subparagraph (1) or (2) may declare as that person's declared lobster zone the zone in
16 which the person was authorized to fish a majority of that person's lobster traps in the
17 most recent year in which the person held a license.

18 C. A person who is issued a Class I, Class II, Class II limited or Class III lobster and
19 crab fishing license pursuant to section 6421, subsection 5, paragraph D may declare
20 as that person's declared lobster zone the zone in which the person was authorized to
21 fish a majority of that person's lobster traps in the most recent year in which the
22 person held a license.

23 D. A person who is issued a Class I, Class II, Class II limited or Class III lobster and
24 crab fishing license and is 70 years of age or older may declare any zone as that
25 person's declared lobster zone.

26 E. A person who has either successfully completed the requirements of the
27 apprentice program under section 6422 or held a Class I, Class II, Class II limited or
28 Class III lobster and crab fishing license in the previous calendar year and who has
29 registered to enter an established island limited-entry program as described under
30 section 6449 may declare as that person's declared lobster zone the zone in which that
31 island limited-entry program is located when the person becomes eligible to enter the
32 island limited-entry program.

33 The ~~trap tags~~ or license issued to a person who declares a limited-entry zone as that
34 person's declared lobster zone pursuant to this subsection may not be counted for the
35 purposes of the exit ratio or the number of new zone entrants that may be authorized for
36 that zone.

37 **Sec. 43. 12 MRSA §6449, sub-§1**, as amended by PL 2013, c. 239, §8, is further
38 amended to read:

39 **1. Proposal to the commissioner.** Notwithstanding section 6448, subsection 7-A, a
40 year-round island community may petition the commissioner for the establishment of an
41 island limited-entry zone program if a minimum of 5 island residents that are holders of a
42 Class I, Class II, Class II limited or Class III lobster and crab fishing license or 10% of

1 the island residents that are holders of a Class I, Class II, Class II limited or Class III
2 lobster and crab fishing license, whichever is greater, signs the petition submitted to the
3 commissioner. If ~~2/3~~ a majority of the Class I, Class II, Class II limited or Class III
4 lobster and crab fishing license holders that are residents on the island voting in a
5 referendum held pursuant to section 6447, subsection 6 support the establishment of an
6 island limited-entry zone program, the commissioner may adopt rules to establish such a
7 program, including a waiting list. Before establishing or amending the number of licenses
8 available to island residents, the commissioner shall determine the number of licenses
9 preferred by ~~2/3~~ a majority of the Class I, Class II, Class II limited or Class III lobster and
10 crab fishing license holders resident on the island. The commissioner may accept the
11 preferences proposed by ~~2/3~~ a majority of the license holders as reasonable and adopt
12 those preferences or reject the preferences as unreasonable. The commissioner shall
13 consult with the lobster management policy council for the lobster management zone in
14 which the island is located before making the decision.

15 **Sec. 44. 12 MRSA §6449, sub-§2**, as enacted by PL 2009, c. 294, §2, is amended
16 to read:

17 **2. No longer resident.** An individual who obtains a Class I, Class II, Class II
18 limited or Class III lobster and crab fishing license through an island limited-entry
19 program but who no longer wishes to maintain residency on the island is subject to the
20 following requirements.

21 A. A person who held a Class I, Class II, Class II limited or Class III lobster and crab
22 fishing license and maintained residency on the island for a period of not less than 8
23 years and who can document to the commissioner that the person harvested lobsters
24 in each of the 8 years may end the person's residency on the island and fish elsewhere
25 in the lobster management zone in which the island is located without going on a
26 waiting list as established in section 6448.

27 B. A person who holds a Class I, Class II, Class II limited or Class III lobster and
28 crab fishing license and who either has maintained residency on the island for less
29 than 8 years or who has maintained residency on the island for at least 8 years but
30 cannot document to the commissioner that the person harvested lobsters in each of
31 the 8 years may end the person's residency on the island and become eligible to fish
32 elsewhere in the lobster management zone in which the island is located if that person
33 complies with the waiting list requirement established in accordance with section
34 6448.

35 **Sec. 45. 12 MRSA §6449, sub-§4, ¶C**, as enacted by PL 2009, c. 294, §2, is
36 amended to read:

37 C. Providing for an opportunity for increasing the number of Class I, Class II, Class
38 II limited or Class III lobster and crab fishing license holders on an island, if
39 appropriate, based on the characteristics of the island and the lobster resource.

40 **Sec. 46. 12 MRSA §6450, sub-§1**, as enacted by PL 2013, c. 239, §9, is amended
41 to read:

1 **1. Temporary medical allowance.** Notwithstanding section 6421, upon request the
2 commissioner may issue a temporary medical allowance that permits an individual to fish
3 under the authority of the license of a Class I, Class II, Class II limited or Class III lobster
4 and crab fishing license holder but not under the license holder's direct supervision if the
5 following criteria are met:

6 A. The individual who will be fishing has successfully completed an apprentice
7 program under section 6422;

8 B. The individual who will be fishing is the child or spouse of the individual who
9 holds the Class I, Class II, Class II limited or Class III lobster and crab fishing
10 license;

11 C. The holder of the Class I, Class II, Class II limited or Class III lobster and crab
12 fishing license is unable to use that license due to a substantial illness or medical
13 condition. The holder of the Class I, Class II, Class II limited or Class III lobster and
14 crab fishing license shall provide the commissioner with documentation from a
15 physician describing the illness or other medical condition; and

16 D. The holder of the Class I, Class II, Class II limited or Class III lobster and crab
17 fishing license documents to the commissioner that the license holder harvested a
18 minimum of 1,000 pounds of lobsters within one year prior to the request for the
19 temporary medical allowance.

20 A temporary medical allowance may not exceed one year. A request for a temporary
21 medical allowance must be in writing and must specify the dates for which the temporary
22 medical allowance is requested. The holder of the Class I, Class II, Class II limited or
23 Class III lobster and crab fishing license on which the temporary medical allowance is
24 based must maintain a valid license during the duration of the temporary medical
25 allowance. The holder of the Class I, Class II, Class II limited or Class III lobster and
26 crab fishing license is liable for the activities of the individual fishing under the
27 temporary medical allowance.

28 **Sec. 47. 12 MRSA §6451, sub-§1**, as amended by PL 2009, c. 561, §18, is
29 further amended to read:

30 **1. Allocation of license fees.** Ten dollars of each \$135.75 fee, \$10 of each \$132 fee,
31 \$10 of each \$136 fee, ~~\$10 of each \$165 fee~~, \$20 of each \$203 fee, \$20 of each \$272.50
32 fee, \$30 of each \$407.25 fee, \$30 of each \$387 fee, \$60 of each \$785 fee, \$60 of each
33 \$790.75 fee, ~~\$60 of each \$793 fee~~, \$120 of each \$1,587.50 fee, \$180 of each \$2,369.25
34 fee, \$5 of each \$65 fee and \$5 of each \$66 fee for each lobster and crab fishing license
35 must be allocated to the Lobster Fund, which must be used for the purposes of lobster
36 biology research, of propagation of lobsters by liberating seed lobsters and female
37 lobsters in Maine coastal waters and of establishing and supporting lobster hatcheries.

38 **Sec. 48. 12 MRSA §6455, sub-§5-A, ¶D**, as amended by PL 2013, c. 492, §5, is
39 further amended to read:

40 D. For the years 2016 to 2018 the surcharges are, for:

41 (1) Class I lobster and crab fishing licenses ~~for persons 18 to 69 years of age~~,
42 \$165.25;

- 1 (2) Class II lobster and crab fishing licenses, \$330.50, ~~except that for license~~
2 ~~holders 70 years of age or older the surcharge is \$165;~~
3 (2-A) Class II limited lobster and crab fishing licenses, \$165;
4 (3) Class III lobster and crab fishing licenses, \$480.75, ~~except that for license~~
5 ~~holders 70 years of age or older the surcharge is \$240;~~
6 (4) Nonresident lobster and crab landing permits, \$480.75;
7 (5) Wholesale seafood licenses with lobster permits if the license holders hold no
8 supplemental wholesale seafood licenses with lobster permits, or lobster
9 transportation licenses if the license holders hold no supplemental lobster
10 transportation licenses, \$1,200;
11 (6) Supplemental wholesale seafood licenses with lobster permits or
12 supplemental lobster transportation licenses as follows:
13 (a) One thousand eight hundred dollars for up to 2 supplemental wholesale
14 seafood licenses with lobster permits or supplemental lobster transportation
15 licenses;
16 (b) Two thousand four hundred dollars for 3 to 5 supplemental wholesale
17 seafood licenses with lobster permits or supplemental lobster transportation
18 licenses; and
19 (c) Three thousand dollars for 6 or more supplemental wholesale seafood
20 licenses with lobster permits or supplemental lobster transportation licenses;
21 and
22 (7) Lobster processor licenses, \$1,000 if less than 1,000,000 pounds of raw
23 product is processed, and \$4,000 if 1,000,000 pounds or more of raw product is
24 processed.

25 **Sec. 49. 12 MRSA §6473, sub-§2, ¶A**, as enacted by PL 2011, c. 486, §6, is
26 amended to read:

27 A. Notwithstanding subsection 1, a person registered for Monhegan Lobster
28 Conservation Area trap tags may serve as a crew member to assist in the licensed
29 activities under the direct supervision of a Class I, Class II, Class II limited or Class
30 III lobster and crab fishing license holder outside the Monhegan Lobster
31 Conservation Area.

32 **Sec. 50. 12 MRSA §6474, sub-§5**, as enacted by PL 1997, c. 574, §4, is amended
33 to read:

34 **5. License suspension and eligibility.** A person eligible to register for Monhegan
35 Lobster Conservation Area trap tags under subsection 4, paragraph A if not for the
36 suspension of that person's Class I, Class II, Class II limited or Class III lobster and crab
37 fishing license may not, for the purpose of admitting new registrants, be considered to
38 have failed to register pursuant to section 6475, subsection 1, paragraph C, subparagraph
39 (3). Upon reinstatement of that person's license, that person is deemed registered and the

1 commissioner may issue trap tags to that person, unless that person notifies the
2 commissioner before reinstatement that the person chooses to not be registered.

3 **Sec. 51. 12 MRSA §6482, sub-§2, ¶¶B and C**, as enacted by PL 2013, c. 342,
4 §1, are amended to read:

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

7 (1) That person's Class I, Class II, Class II limited or Class III lobster and crab
8 fishing license issued in the prior calendar year identified the lobster management
9 zone that includes the Swans Island Lobster Conservation Area as the declared
10 lobster zone, as defined in section 6448, subsection 1, paragraph A, and that
11 person applies to the commissioner during the period between January 1st and
12 May 31st for Swans Island Lobster Conservation Area trap tags; or

13 (2) That person registered with the commissioner to purchase Swans Island
14 Lobster Conservation Area trap tags for the prior season and applies to the
15 commissioner during the period between January 1st and May 31st for Swans
16 Island Lobster Conservation Area trap tags.

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

23 **Sec. 52. 12 MRSA §6810-A, sub-§2**, as enacted by PL 2003, c. 169, §1 and
24 affected by §3, is amended to read:

25 **2. Licensed activities.** An individual who holds a marine harvesting demonstration
26 license may engage in limited fishing activities for the purpose of providing an
27 educational demonstration of marine harvesting techniques or of the marine ecology of
28 the Gulf of Maine as part of a commercial operation. An individual may not handle a
29 lobster trap, warp or buoy used for the purposes of this section unless that individual
30 meets the requirements of subsection 7.

31 Subject to the requirements of subsection 3, an individual who holds a Class I, Class II,
32 Class II limited or Class III lobster and crab fishing license may assist a person who holds
33 a marine harvesting demonstration license on that person's boat in the demonstration of
34 lobster and crab fishing without obtaining a marine harvesting demonstration license.

35 **Sec. 53. 12 MRSA §6810-A, sub-§7, ¶B**, as enacted by PL 2003, c. 169, §1 and
36 affected by §3, is amended to read:

37 B. Held a Class I, Class II, Class II limited or Class III lobster and crab fishing
38 license and has landed lobster under that license.

39 **Sec. 54. Transition.** Rules adopted pursuant to the Maine Revised Statutes,
40 former Title 12, section 6448, subsection 2, paragraph C, subparagraph (1) remain in

1 effect until amended by the Commissioner of Marine Resources, except that the
2 commissioner shall adopt rules by January 1, 2017 that establish an exit ratio in limited-
3 entry zones that conforms to the requirements of Title 12, section 6448, subsection 2,
4 paragraph C.

5 **SUMMARY**

6 This bill creates a new Class II limited lobster and crab fishing license, which
7 provides the same benefits as a Class II lobster and crab fishing license except that the
8 holder may fish up to 300 traps instead of the 800 traps allowed under a Class II license.
9 The fee for the new Class II limited lobster and crab fishing license is \$136 for residents
10 and \$793 for nonresidents, which is less than the fee for a resident or nonresident Class II
11 license.

12 Beginning January 1, 2017, this bill requires that the Commissioner of Marine
13 Resources adopt rules establishing that the exit ratio in limited-entry lobster and crab
14 fishing zones be based upon retired licenses only, instead of upon either retired licenses
15 or retired trap tags.

16 This bill provides that a participant in the apprentice program under 23 years of age
17 may receive a Class I, Class II, Class II limited or Class III lobster and crab fishing
18 license and enter a limited-entry zone if the participant has received a high school
19 diploma or high school equivalency diploma prior to attaining 23 years of age.

20 This bill prohibits the adoption of rules that would require a participant in the
21 apprentice program who has registered to enter an island limited-entry zone program to
22 apprentice in the zone in which the island limited-entry zone program is located. This bill
23 also reduces the support required in a referendum of island residents to establish an island
24 limited-entry zone program from 2/3 of lobster and crab fishing license holders to a
25 majority of license holders.

26 This bill removes the special licensing fees for applicants who are 70 years of age or
27 older.