

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 174

H.P. 137

House of Representatives, January 17, 2019

An Act To Promote Youth Participation in the Maine Lobster Fishery

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 McDONALD of Stonington.
Cosponsored by Senator MIRAMANT of Knox and
Representatives: ALLEY of Beals, BLUME of York, FAULKINGHAM of Winter Harbor,
HEPLER of Woolwich, HUTCHINS of Penobscot, JAVNER of Chester, McCREIGHT of
Harpwell, 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-§3-A**, as amended by PL 2015, c. 68, §3, is further
3 amended to read:

4 **3-A. License limitation.** A license authorizes activities by individuals as follows.

5 A. A Class I license authorizes the licensed activities under subsection 2 by the
6 individual who is named in the license. ~~Any~~ Except as provided in subsection 4,
7 paragraph C, any individual assisting or helping a Class I license holder in these
8 activities must also be licensed.

9 B. A Class II license authorizes the license holder to engage in the licensed
10 activities under subsection 2. ~~A~~ In addition to persons authorized to assist under
11 subsection 4, paragraph C, a Class II license holder may engage one unlicensed crew
12 member to assist in the licensed activities under the direct supervision of the Class II
13 license holder, except as provided in section 6445-A.

14 C. A Class III license authorizes the license holder to engage in the licensed
15 activities under subsection 2. ~~A~~ In addition to persons authorized to assist under
16 subsection 4, paragraph C, a Class III license holder may engage 2 unlicensed crew
17 members to assist in the licensed activities under the direct supervision of the Class
18 III license holder, except as provided in section 6445-A.

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

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

31 (1) Ten lobster traps in the coastal waters of the State if the person is 8 years of
32 age or older and under 11 years of age;

33 (2) Fifty lobster traps in the coastal waters of the State if the person is 11 years
34 of age or older and under 14 years of age; or

35 (3) One hundred and fifty lobster traps in the coastal waters of the State if the
36 person is 14 years of age or older and under 23 years of age.

37 A person issued a student license is enrolled in the apprentice program under section
38 6422. When applying for a license the person must designate a sponsor and may
39 designate up to 3 sponsors. For the purposes of this paragraph, "sponsor" means a
40 person who holds a Class I, Class II or Class III lobster and crab fishing license
41 issued under this section.

1 F. A noncommercial lobster and crab fishing license authorizes the license holder to
2 engage in the licensed activities under subsection 2-A. A person issued a
3 noncommercial lobster and crab fishing license may not submerge at any one time
4 more than 5 lobster traps in the coastal waters of the State. At the time a
5 noncommercial lobster and crab fishing license is issued or renewed, the applicant or
6 license holder shall declare the vessel that will be used to conduct lobster and crab
7 fishing activities under that license. The license holder's trap tags are allocated to that
8 vessel, pursuant to the license. The department is not authorized to issue more than
9 10 noncommercial trap tags to the declared vessel, regardless of the number of
10 noncommercial license holders fishing from that vessel.

11 **Sec. 2. 12 MRSA §6421, sub-§4**, as amended by PL 2011, c. 5, §1, is further
12 amended to read:

13 **4. Exception.** A license is not required for a person:

14 A. To take or catch crabs with bare hands or hook and line; ~~or~~

15 B. Who is issued a commercial fishing license under section 6501 to take, possess
16 and sell crabs that have been taken as bycatch while using an otter trawl within the
17 exclusive economic zone as shown on the most recently published Federal
18 Government nautical chart. Crabs taken by otter trawl within the territorial waters
19 must be liberated alive immediately; ~~or~~

20 C. To assist in the licensed activities authorized under subsection 2 under the direct
21 supervision of a Class I, Class II or Class III license holder if that person is 12 years
22 of age or younger.

23

24 SUMMARY

25 This bill allows an unlicensed person 12 years of age or younger to assist a Class I, II
26 or III lobster and crab fishing license holder with licensed activities.