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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 676

H.P. 497

House of Representatives, February 7, 2019

An Act To Simplify Maine's Lobster Licensing System

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 FAULKINGHAM of Winter Harbor.
Cosponsored by Representatives: ALLEY of Beals, McDONALD of Stonington.

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 or~~
7 ~~Class III~~ single or crew 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 or Class III~~ single or crew 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 or Class III~~ single or crew
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 or Class III~~
28 single or crew 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 or Class III~~ single or crew lobster and crab fishing license may
39 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~~ single or
5 crew lobster and crab fishing license within one year prior to the onset of the
6 illness or 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 or Class III~~ single or crew 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 §6310-B**, as enacted by PL 2017, c. 161, §2, is amended to
20 read:

21 **§6310-B. Continued eligibility for lobster and crab fishing licenses following**
22 **successful appeal**

23 A person who, upon appeal pursuant to section 6310-A, is issued a ~~Class I, II or III~~
24 single or crew lobster and crab fishing license shall submit landings data for the following
25 2 license years in accordance with rules adopted pursuant to section 6173. During the
26 2nd license year following the successful appeal in which that person holds a ~~Class I,~~
27 ~~Class II or Class III~~ single or crew lobster and crab fishing license, the person shall
28 provide landings reports indicating a minimum of 50 landings days and sales of lobster to
29 an individual licensed under section 6851 during that license year. If a person fails to
30 meet the requirements of this section, the person is no longer eligible for a ~~Class I, II or~~
31 ~~III~~ single or crew lobster and crab fishing license and the commissioner shall revoke the
32 license in accordance with the provisions of sections 6352 and 6353.

33 **Sec. 7. 12 MRSA §6406, sub-§1, ¶C**, as amended by PL 1991, c. 302, §1, is
34 further amended to read:

35 C. Assist a holder of a ~~Class II~~ crew lobster and crab fishing license as a crew
36 member; or

37 **Sec. 8. 12 MRSA §6408**, as enacted by PL 1999, c. 643, §2, is amended to read:

38 **§6408. Suspension of lobster and crab fishing license**

39 A person whose ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing
40 license has been suspended for more than one year must appear in person before the

1 commissioner prior to being issued a ~~Class I, Class II or Class III~~ single or crew lobster
2 and crab fishing license pursuant to section 6421, subsection 5, paragraph D.

3 **Sec. 9. 12 MRSA §6413**, as enacted by PL 2017, c. 197, §8, is amended to read:

4 **§6413. Reduction in trap limit after certain suspensions**

5 The commissioner may reduce the number of trap tags a person whose lobster and
6 crab fishing license has been suspended pursuant to section 6374, subsection 3-A may
7 purchase in the year following the suspension, except that if the person holds a ~~Class I,~~
8 ~~Class II or Class III~~ single or crew lobster and crab fishing license the person must be
9 allowed to purchase at least 300 trap tags. For each following year, the license holder
10 may purchase up to an increase of 100 trap tags each year as long as the total number
11 purchased does not exceed the number of traps allowed under the lowest trap limit for the
12 license or established by rule for the zones identified on that person's license pursuant to
13 section 6446, subsection 1-A.

14 **Sec. 10. 12 MRSA §6421, sub-§1, ¶¶A and B**, as enacted by PL 2003, c. 452,
15 Pt. F, §8 and affected by Pt. X, §2, are amended to read:

16 A. ~~Class I~~ Single lobster and crab fishing license;

17 B. ~~Class II~~ Crew lobster and crab fishing license;

18 **Sec. 11. 12 MRSA §6421, sub-§1, ¶C**, as enacted by PL 2003, c. 452, Pt. F, §8
19 and affected by Pt. X, §2, is repealed.

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

22 **2. Licensed activity.** The holder of a ~~Class I, Class II, Class III~~ single, crew,
23 apprentice or student lobster and crab fishing license may fish for, take, possess, ship or
24 transport within the State lobsters or crabs and sell lobsters or crabs the license holder has
25 taken. The license does not authorize the license holder to remove lobster meat from the
26 shell or to take, possess, transport or ship lobster parts or meat. The holder of a ~~Class II~~
27 ~~or Class III~~ crew license is liable for the licensed activities under this subsection of all
28 unlicensed crew members assisting that licensee.

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

31 **3-A. License limitation.** A license authorizes activities by individuals as follows.

32 A. A ~~Class I~~ single license authorizes the licensed activities under subsection 2 by
33 the individual who is named in the license. Any individual assisting or helping a
34 ~~Class I~~ single license holder in these activities must also be licensed.

35 B. A ~~Class II~~ crew license authorizes the license holder to engage in the licensed
36 activities under subsection 2. A ~~Class II~~ crew license holder may engage ~~one~~
37 unlicensed crew ~~member~~ members to assist in the licensed activities under the direct
38 supervision of the ~~Class II~~ crew license holder, except as provided in section 6445-A.

1 ~~C. A Class III license authorizes the license holder to engage in the licensed~~
2 ~~activities under subsection 2. A Class III license holder may engage 2 unlicensed~~
3 ~~crew members to assist in the licensed activities under the direct supervision of the~~
4 ~~Class III license holder, except as provided in section 6445-A.~~

5 D. An apprentice lobster and crab fishing license authorizes the apprentice so
6 licensed to engage in the licensed activities under subsection 2 on that apprentice's
7 sponsor's vessel when the apprentice's sponsor is on board the vessel. A person who
8 holds an apprentice lobster and crab fishing license may not tend any traps unless the
9 traps are fished by the sponsor of the apprentice so licensed. An applicant for an
10 apprentice lobster and crab fishing license may designate up to 3 sponsors. For the
11 purpose of this paragraph, "apprentice's sponsor" means a person who holds a ~~Class I,~~
12 ~~Class II or Class III~~ single or crew lobster and crab fishing license issued under this
13 section.

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

- 18 (1) Ten lobster traps in the coastal waters of the State if the person is 8 years of
19 age or older and under 11 years of age;
- 20 (2) Fifty lobster traps in the coastal waters of the State if the person is 11 years
21 of age or older and under 14 years of age; or
- 22 (3) One hundred and fifty lobster traps in the coastal waters of the State if the
23 person is 14 years of age or older and under 23 years of age.

24 A person issued a student license is enrolled in the apprentice program under section
25 6422. When applying for a license the person must designate a sponsor and may
26 designate up to 3 sponsors. For the purposes of this paragraph, "sponsor" means a
27 person who holds a ~~Class I, Class II or Class III~~ single or crew lobster and crab
28 fishing license issued under this section.

29 F. A noncommercial lobster and crab fishing license authorizes the license holder to
30 engage in the licensed activities under subsection 2-A. A person issued a
31 noncommercial lobster and crab fishing license may not submerge at any one time
32 more than 5 lobster traps in the coastal waters of the State. At the time a
33 noncommercial lobster and crab fishing license is issued or renewed, the applicant or
34 license holder shall declare the vessel that will be used to conduct lobster and crab
35 fishing activities under that license. The license holder's trap tags are allocated to that
36 vessel, pursuant to the license. The department is not authorized to issue more than
37 10 noncommercial trap tags to the declared vessel, regardless of the number of
38 noncommercial license holders fishing from that vessel.

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

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

- 1 A. Possessed a ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing
- 2 license in the previous calendar year;
- 3 C. Meets the requirements of the apprentice program under section 6422; or
- 4 D. Did not possess a ~~Class I, Class II or Class III~~ single or crew lobster and crab
- 5 fishing license in the previous calendar year because the commissioner had
- 6 suspended the person's license privileges for a length of time that included the
- 7 previous calendar year.

8 Notwithstanding the age requirements of this subsection, a person who ~~holds~~ held a Class

9 I, Class II or Class III license on December 31, 2007 and who holds a single or crew

10 license may continue to be issued a ~~Class I, Class II or Class III~~ single or crew license

11 provided as long as that person continues to meet the requirements of paragraph A.

12 **Sec. 15. 12 MRSA §6421, sub-§5-B, ¶B,** as enacted by PL 2001, c. 581, §1, is

13 amended to read:

- 14 B. Held a ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing license
- 15 and has landed lobster under that license.

16 **Sec. 16. 12 MRSA §6421, sub-§7-B, ¶A,** as amended by PL 2017, c. 320, §1, is

17 further amended to read:

- 18 A. For a resident ~~Class I~~ single license for applicants under 18 years of age, \$60;

19 **Sec. 17. 12 MRSA §6421, sub-§7-B, ¶¶B to E,** as enacted by PL 2017, c. 284,

20 Pt. EEEEE, §3, are amended to read:

- 21 B. For a resident ~~Class I~~ single license for applicants 18 years of age or older and
- 22 under 70 years of age, \$125.75;
- 23 C. For a resident ~~Class I~~ single license for applicants 70 years of age or older, \$61;
- 24 D. For a nonresident ~~Class I~~ single license for applicants under 18 years of age,
- 25 \$357;
- 26 E. For a nonresident ~~Class I~~ single license for applicants 18 years of age or older,
- 27 \$730.75;

28 **Sec. 18. 12 MRSA §6421, sub-§7-B, ¶¶F to H,** as enacted by PL 2017, c. 284,

29 Pt. EEEEE, §3, are repealed.

30 **Sec. 19. 12 MRSA §6421, sub-§7-B, ¶¶I to K,** as enacted by PL 2017, c. 284,

31 Pt. EEEEE, §3, are amended to read:

- 32 I. For a resident ~~Class III~~ crew license for applicants under 70 years of age, \$377.25;
- 33 J. For a resident ~~Class III~~ crew license for applicants 70 years of age or older, \$183;
- 34 K. For a nonresident ~~Class III~~ crew license, \$2,189.25;

35 **Sec. 20. 12 MRSA §6421, sub-§7-C,** as amended by PL 2017, c. 320, §2, is

36 further amended to read:

1 **7-C. License surcharge.** In addition to the license fee established in subsection 7-B,
2 the commissioner shall assess a surcharge on each license issued under this section as
3 follows:

4 A. For a resident ~~Class I~~ single license for applicants under 18 years of age, resident
5 ~~Class I~~ single license for applicants 70 years of age or older, resident apprentice
6 license for applicants under 18 years of age, resident apprentice license for applicants
7 70 years of age or older, student lobster and crab fishing license or noncommercial
8 lobster and crab fishing license, \$5;

9 B. For a resident ~~Class I~~ single license for applicants 18 years of age or older and
10 under 70 years of age, ~~resident Class II license for applicants 70 years of age or older~~
11 or resident apprentice license for applicants 18 years of age or older, \$10;

12 C. For a ~~resident Class II license for applicants under 70 years of age or~~ resident
13 ~~Class III~~ crew license for applicants 70 years of age or older, \$20;

14 D. For a resident ~~Class III~~ crew license for applicants under 70 years of age,
15 nonresident ~~Class I~~ single license for applicants under 18 years of age or nonresident
16 apprentice license for applicants under 18 years of age, \$30;

17 E. For a nonresident ~~Class I~~ single license for applicants 18 years of age or older or
18 nonresident apprentice license for applicants 18 years of age or older, \$60; and

19 ~~F. For a nonresident Class II license, \$120; and~~

20 G. For a nonresident ~~Class III~~ crew license, \$180.

21 The surcharge fees collected under this subsection must be deposited in the Lobster Fund
22 established under section 6451.

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

25 **1. Limit.** Before March 1, 2000, the holder of a ~~Class I, Class II or Class III~~ single
26 or crew license issued under section 6421 may not submerge more than 1,000 traps.
27 After February 29, 2000, the holder of a ~~Class I, Class II or Class III~~ single or crew
28 license or a nonresident lobster and crab landing permit issued under section 6421 may
29 not submerge more than 800 traps. If a lower trap limit is adopted by rule for a zone
30 pursuant to section 6446, a license holder who fishes in that zone may not submerge a
31 number of traps that exceeds the lower limit.

32 The number of traps fished from a vessel may not exceed the applicable trap limit
33 established in this subsection, regardless of the number of license holders fishing from
34 that vessel.

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

37 **2. Owner or family member on board.** This subsection applies to a person that
38 holds a ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing license issued
39 under section 6421. Except as provided in subsection 3, a vessel may not be used to fish

1 for or take lobsters unless that vessel is owned by a ~~Class I, Class II or Class III~~ single or
2 crew lobster and crab fishing license holder and:

3 A. The owner of that vessel is present on that vessel and has that vessel named on the
4 owner's ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing license; or

5 B. A family member of the vessel owner holds a ~~Class I, Class II or Class III~~ single
6 or crew lobster and crab fishing license and is present on that vessel.

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

9 **3. Exemptions; individuals.** The commissioner may authorize a person to fish for
10 or take lobsters from a vessel when an owner or family member is not on board pursuant
11 to subsection 2 if that person holds a ~~Class I, Class II or Class III~~ single or crew lobster
12 and crab fishing license and:

13 A. The owner of that vessel holds a ~~Class I, Class II or Class III~~ single or crew
14 lobster and crab fishing license, documents to the commissioner that an illness or
15 disability temporarily prevents that owner from fishing for or taking lobsters from
16 that vessel; and requests in writing to the commissioner that the commissioner
17 authorize that person to use that vessel to fish for or take lobsters and tend the
18 owner's traps pursuant to section 6434;

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

22 B-1. Was the owner of a vessel that was named on that individual's ~~Class I, Class II~~
23 ~~or Class III~~ single or crew lobster and crab fishing license but is no longer the owner
24 of that vessel due to sale or foreclosure. The individual must demonstrate immediate
25 intent to become the owner of another vessel that will be used to fish for or take
26 lobsters and request in writing permission from the commissioner to use the other
27 vessel to fish for or take lobsters for a limited period of time;

28 C. Documents to the commissioner by December 31, 2000 that that person fished for
29 or took lobsters during the qualifying period in each of calendar years 1995, 1996 and
30 1997 from the same vessel and that vessel did not have on board an individual who
31 meets the criteria of subsection 2, paragraph A or B. A person may not qualify for
32 the exemption under this paragraph unless that person continues to fish for or take
33 lobsters from the vessel from which the person harvested lobsters during the
34 qualifying period in each of calendar years 1995, 1996 and 1997, or from a
35 replacement vessel;

36 D. An individual, partnership, corporation or other entity documents to the
37 commissioner by December 31, 2000 that that individual or partnership, corporation
38 or other entity rented, leased or otherwise made available that vessel to the holder of
39 a Class I, Class II or Class III lobster and crab fishing license during the qualifying
40 period in each of calendar years 1995, 1996 and 1997 for the purpose of fishing for or
41 taking lobsters. A person authorized under this paragraph may fish for or take

1 lobsters only from the vessel that was made available during the qualifying period in
2 each of calendar years 1995, 1996 and 1997, or a replacement vessel; or

3 E. The person is licensed by the United States Coast Guard to operate a passenger-
4 carrying vessel in coastal waters. The vessel must be inspected by the United States
5 Coast Guard and documented and licensed by the United States Coast Guard to carry
6 passengers. By June 30, 2001, the owner of the vessel shall document to the
7 commissioner that the vessel was utilized to fish for or take lobsters with paying
8 passengers on board during the qualifying period in each of calendar years 1995,
9 1996 and 1997. The owner of the vessel shall notify the commissioner in writing on
10 an annual basis, prior to the vessel being utilized to fish for or take lobsters, of the
11 name and lobster license number of any person who will be using the vessel to fish
12 for lobster during that calendar year. A person authorized under this paragraph may
13 fish for or take lobsters only from the vessel that was made available during the
14 qualifying period in each of calendar years 1995, 1996 and 1997, or a replacement
15 vessel. No more than 40 lobster traps may be fished from that vessel.

16 **Sec. 24. 12 MRSA §6431-F, sub-§§1 and 2**, as amended by PL 2005, c. 239,
17 §2, are further amended to read:

18 **1. Trap tag limits.** The following provisions govern trap tag limits.

19 B. Each year, a ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing
20 license holder may purchase a number of trap tags that is not greater than 100 more
21 than the number the license holder purchased for the previous license year as long as
22 the total number purchased does not exceed the number of traps allowed under the
23 lowest trap limit established by rule for the zones identified on that person's license
24 pursuant to section 6446, subsection 1-A.

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

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

34 C. If the license holder was issued a ~~Class I, Class II or Class III~~ single or crew
35 lobster and crab fishing license on appeal, the license holder may purchase for the
36 initial license year a number of trap tags up to the number of trap tags purchased by
37 the person for the most recent year in which the person held a license. For each
38 following year, the license holder may purchase up to an increase of 100 trap tags
39 each year as long as the total number purchased does not exceed the number of traps
40 allowed under the lowest trap limit established by rule for the zones identified on that
41 person's license pursuant to section 6446, subsection 1-A.

1 **Sec. 25. 12 MRSA §6431-G**, as amended by PL 2013, c. 468, §§16 and 17, is
2 further amended to read:

3 **§6431-G. Vessel operation**

4 **1. Limitation.** Except as provided in subsection 2, the holder of a ~~Class I, Class II~~
5 ~~or Class III~~ single or crew lobster and crab fishing license may not operate a vessel for
6 the purposes of fishing for or taking lobster other than the vessel named on the holder's
7 lobster and crab fishing license. For the purposes of this section, "operate a vessel"
8 means steering the vessel, operating the vessel's engine throttle or gear shift or operating
9 the mechanism used to haul lobster traps from the water. "Operating a vessel" does not
10 include the baiting of traps or the handling of traps once they are on board the vessel.

11 **2. Exemptions.** The commissioner may authorize an individual who possesses a
12 ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing license to fish for or
13 take lobsters from a vessel other than the vessel named on the holder's lobster and crab
14 fishing license if:

15 A. A ~~Class I, Class II or Class III~~ single or crew license holder is temporarily
16 prevented by illness or disability from fishing for or taking lobsters from the license
17 holder's vessel and requests in writing to the commissioner that the commissioner
18 authorize the individual to operate that vessel to fish for or take lobsters and tend the
19 license holder's traps pursuant to section 6434;

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

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

28 D. The individual was the owner of a vessel that was named on that individual's
29 ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing license but is no
30 longer the owner of that vessel due to sale or foreclosure. The individual must
31 demonstrate immediate intent to become the owner of another vessel that will be used
32 to fish for or take lobsters and request in writing permission from the commissioner
33 to use the other vessel to fish for or take lobsters for a limited period of time.

34 **Sec. 26. 12 MRSA §6445-A, sub-§1**, as amended by PL 2013, c. 468, §22, is
35 further amended to read:

36 **1. Sale prohibited; exception.** An unlicensed crew member engaged by a holder of
37 a ~~Class II or Class III~~ crew lobster and crab fishing license may not sell lobsters or crabs
38 unless the unlicensed crew member:

39 A. Sells lobsters or crabs under the direct supervision of the holder of the ~~Class II or~~
40 ~~Class III~~ crew lobster and crab fishing license under whose authority the lobster

1 lobsters or crabs were taken to a purchaser who holds a valid wholesale seafood
2 license with a lobster permit or a valid retail seafood license; and

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

5 **Sec. 27. 12 MRSA §6446, sub-§1-A**, as amended by PL 2015, c. 68, §5, is
6 further amended to read:

7 **1-A. Declared lobster zone; authorized zones.** On an application for a ~~Class I,~~
8 ~~Class II, Class III~~ single, crew, student or noncommercial lobster and crab fishing license
9 or a nonresident lobster and crab landing permit, a person shall declare the lobster
10 management zone in which that person proposes to fish a majority of that person's lobster
11 traps and shall list all other zones in which that person proposes to fish any of that
12 person's lobster traps. A ~~Class I, Class II, Class III~~ single, crew, student or
13 noncommercial lobster and crab fishing license or a nonresident lobster and crab landing
14 permit must identify the declared lobster zone in which the person is authorized to fish a
15 majority of that person's lobster traps and must identify all other zones in which ~~a~~ the
16 person is authorized to fish that person's traps. A person may not place any lobster traps
17 in a zone that is not identified on that person's license. For the purposes of this
18 subsection, the majority of a person's lobster traps must be determined from the number
19 of trap tags issued to that person.

20 **Sec. 28. 12 MRSA §6447, sub-§5-C, ¶¶B and C**, as enacted by PL 2005, c.
21 202, §4 and affected by §5, are amended to read:

22 B. Require a sponsor of an apprentice to have held a ~~Class I, Class II or Class III~~
23 single or crew lobster and crab fishing license for at least 5 years; and

24 C. Require a person to complete all requirements of the apprentice program in a
25 specific zone in order to enter that zone as a ~~Class I, Class II or Class III~~ single or
26 crew lobster and crab fishing license holder. A rule proposed under this paragraph
27 and adopted under section 6446, subsection 2 may not be applied to those portions of
28 the apprentice program requirements a person has completed prior to the effective
29 date of the rule.

30 **Sec. 29. 12 MRSA §6447, sub-§7**, as amended by PL 1999, c. 508, §2, is further
31 amended to read:

32 **7. Council member and voter qualifications.** A person may not be a member of a
33 zone's lobster management policy council or vote in a zone's council election or
34 referendum unless that person:

35 A. Possesses a ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing
36 license issued under section 6421; and

37 B. Declared at the time of obtaining a ~~Class I, Class II or Class III~~ single or crew
38 license the zone in which the person fishes a majority of that person's lobster traps. A
39 person may declare only one zone as the zone in which the person fishes a majority
40 of that person's lobster traps.

1 The holder of a lobster and crab fishing license issued under section 6421 may fish for
2 lobsters in any zone.

3 **Sec. 30. 12 MRSA §6448, sub-§1, ¶C**, as enacted by PL 1999, c. 508, §3, is
4 amended to read:

5 C. "New zone entrant" means a person who declares a limited-entry zone as that
6 person's declared lobster zone but who did not hold in the previous licensing year a
7 ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing license that
8 identified that zone as the person's declared lobster zone.

9 **Sec. 31. 12 MRSA §6448, sub-§3**, as amended by PL 2015, c. 68, §7, is further
10 amended to read:

11 **3. Fishing in limited-entry zones.** A person who holds a ~~Class I, Class II, Class III~~
12 single, crew or student lobster and crab fishing license may not fish a majority of that
13 person's lobster traps in a limited-entry zone unless that person's license identifies that
14 zone as the declared lobster zone.

15 **Sec. 32. 12 MRSA §6448, sub-§4**, as amended by PL 2013, c. 239, §3, is further
16 amended to read:

17 **4. Limited-entry zone as declared lobster zone.** A person may not be issued a
18 ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing license that identifies
19 a limited-entry zone as the declared lobster zone unless that person:

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

23 B. Is authorized as a new zone entrant by the commissioner pursuant to subsection
24 7-A to declare that zone as the person's declared lobster zone.

25 **Sec. 33. 12 MRSA §6448, sub-§5**, as amended by PL 1999, c. 693, §2, is further
26 amended to read:

27 **5. Application for limited-entry zone.** A person who wishes to be a new zone
28 entrant shall indicate to the commissioner in writing a request to declare a limited-entry
29 zone as the person's declared lobster zone, in accordance with this subsection. A person
30 may indicate up to 2 limited-entry zones that the person requests to declare as the person's
31 declared lobster zone. The commissioner shall stamp each request with the time and date
32 of submission. A person may not be authorized as a new zone entrant unless that person
33 made a request under this subsection no later than December 15th of the previous
34 calendar year.

35 A. A person who held a ~~Class I, Class II or Class III~~ single or crew lobster and crab
36 fishing license in the previous licensing year and wishes to be a new zone entrant
37 shall indicate to the commissioner in writing a request to declare a limited-entry zone
38 as the person's declared lobster zone. The person must be put on a waiting list
39 maintained under subsection 6 according to the time and date the commissioner
40 receives the request.

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

13 **Sec. 34. 12 MRSA §6448, sub-§7-A**, as amended by PL 2015, c. 428, §8, is
14 further amended to read:

15 **7-A. Authorization of new zone entrants.** The commissioner shall determine by
16 April 1st of each licensing year the number of new zone entrants that may be authorized
17 for each limited-entry zone. The number of new zone entrants authorized in a licensing
18 year must be in accordance with the exit ratio established under subsection 2 for that
19 zone. The commissioner may adopt rules consistent with subsection 2, paragraph B to
20 implement this subsection. Upon adoption of rules, the exit ratio must be used to
21 establish the number of new zone entrants in accordance with subsection 2, paragraph C
22 by:

23 A. Dividing the number of trap tags that may be issued to new zone entrants by the
24 zone trap limit under section 6431-A. The number of new zone entrants must be
25 rounded down to the nearest whole number and the remaining trap tags carried over
26 to the following year's allocation; or

27 B. Applying the exit ratio to the number of individuals who declared that zone as
28 their declared lobster zone in the year prior to the previous calendar year, but who did
29 not declare that zone as their declared lobster zone in the previous calendar year.

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

42 **Sec. 35. 12 MRSA §6448, sub-§8**, as amended by PL 2015, c. 428, §9, is further
43 amended to read:

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

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

11 A-2. A person under 20 years of age may declare any zone as that person's declared
12 lobster zone if the person:

13 (1) Successfully completed the requirements of the apprentice program under
14 section 6422;

15 (2) Submitted documentation of completion of the apprentice program to the
16 department before attaining 20 years of age;

17 (3) Received a high school diploma or a high school equivalency diploma; and

18 (4) Has met all apprentice program rules that may have been adopted in that
19 zone.

20 A-3. A person under 23 years of age may declare any zone as that person's declared
21 lobster zone if the person:

22 (1) Has logged time fishing in the apprentice program in accordance with section
23 6422 before attaining 18 years of age;

24 (2) Successfully completed the requirements of the apprentice program under
25 section 6422;

26 (3) Submitted documentation of completion of the apprentice program to the
27 department before attaining 23 years of age;

28 (4) Is enrolled in and meeting the requirements of a half-time course of study as
29 defined in section 6421, subsection 5-A at a postsecondary institution accredited
30 by a state-recognized accrediting agency or body;

31 (5) Has met all apprentice program rules that may have been adopted in that
32 zone; and

33 (6) Has been eligible for a student lobster and crab fishing license since before
34 that person attained 18 years of age and has been eligible for that license in each
35 licensing year thereafter.

36 B. A person who is issued a ~~Class I, Class II or Class III~~ single or crew lobster and
37 crab fishing license on appeal pursuant to section 6310, subsection 2, paragraph A,
38 subparagraph (1) or (2) may declare as that person's declared lobster zone the zone in
39 which the person was authorized to fish a majority of that person's lobster traps in the
40 most recent year in which the person held a license.

1 C. A person who is issued a ~~Class I, Class II or Class III~~ single or crew lobster and
2 crab fishing license pursuant to section 6421, subsection 5, paragraph D may declare
3 as that person's declared lobster zone the zone in which the person was authorized to
4 fish a majority of that person's lobster traps in the most recent year in which the
5 person held a license.

6 D. A person who is issued a ~~Class I, Class II or Class III~~ single or crew lobster and
7 crab fishing license and is 70 years of age or older may declare any zone as that
8 person's declared lobster zone.

9 E. A person who has either successfully completed the requirements of the
10 apprentice program under section 6422 or held a ~~Class I, Class II or Class III~~ single
11 or crew lobster and crab fishing license in the previous calendar year and who has
12 registered to enter an established island limited-entry program as described under
13 section 6449 may declare as that person's declared lobster zone the zone in which that
14 island limited-entry program is located when the person becomes eligible to enter the
15 island limited-entry program.

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

20 **Sec. 36. 12 MRSA §6449**, as amended by PL 2015, c. 428, §10, is further
21 amended to read:

22 **§6449. Island limited-entry programs**

23 An island limited-entry program may be established pursuant to this section in order
24 to maintain a number of licenses appropriate for the needs of an island community and
25 the local lobster resource.

26 **1. Proposal to the commissioner.** Notwithstanding section 6448, subsection 7-A, a
27 year-round island community may petition the commissioner for the establishment of an
28 island limited-entry zone program if a minimum of 5 island residents that are holders of a
29 ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing license or 10% of the
30 island residents that are holders of a ~~Class I, Class II or Class III~~ single or crew lobster
31 and crab fishing license, whichever is greater, signs the petition submitted to the
32 commissioner. If a majority of the ~~Class I, Class II or Class III~~ single or crew lobster and
33 crab fishing license holders that are residents on the island voting in a referendum held
34 pursuant to section 6447, subsection 6 support the establishment of an island limited-
35 entry zone program, the commissioner may adopt rules to establish such a program,
36 including a waiting list. Before establishing or amending the number of licenses available
37 to island residents, the commissioner shall determine the number of licenses preferred by
38 a majority of the ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing
39 license holders resident on the island. The commissioner may accept the preferences
40 proposed by a majority of the license holders as reasonable and adopt those preferences
41 or reject the preferences as unreasonable. The commissioner shall consult with the lobster
42 management policy council for the lobster management zone in which the island is
43 located before making the decision.

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

5 A. A person who held a ~~Class I, Class II or Class III~~ single or crew lobster and crab
6 fishing license and maintained residency on the island for a period of not less than 8
7 years and who can document to the commissioner that the person harvested lobsters
8 in each of the 8 years may end the person's residency on the island and fish elsewhere
9 in the lobster management zone in which the island is located without going on a
10 waiting list as established in section 6448.

11 B. A person who holds a ~~Class I, Class II or Class III~~ single or crew lobster and crab
12 fishing license and who either has maintained residency on the island for less than 8
13 years or who has maintained residency on the island for at least 8 years but cannot
14 document to the commissioner that the person harvested lobsters in each of the 8
15 years may end the person's residency on the island and become eligible to fish
16 elsewhere in the lobster management zone in which the island is located if that person
17 complies with the waiting list requirement established in accordance with section
18 6448.

19 **3. Restriction.** This section applies only to an island in the coastal waters with a
20 year-round community that is not connected to the mainland by an artificial structure.

21 **4. Rules.** The commissioner shall adopt rules to implement the island limited-entry
22 program. The rules must include but are not limited to:

23 A. A definition of residency on an island;

24 B. Allowances for the temporary absence from an island due to a medical condition
25 or educational requirements; and

26 C. Providing for an opportunity for increasing the number of ~~Class I, Class II or~~
27 ~~Class III~~ single or crew lobster and crab fishing license holders on an island, if
28 appropriate, based on the characteristics of the island and the lobster resource.

29 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
30 chapter 375, subchapter 2-A.

31 **Sec. 37. 12 MRSA §6450**, as amended by PL 2017, c. 352, §§1 and 2, is further
32 amended to read:

33 **§6450. Temporary medical allowance**

34 **1. Temporary medical allowance.** Notwithstanding section 6421, upon request the
35 commissioner may issue a temporary medical allowance that permits an individual to fish
36 under the authority of the license of a ~~Class I, Class II or Class III~~ single or crew lobster
37 and crab fishing license holder but not under the license holder's direct supervision if the
38 following criteria are met:

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

1 B. The individual who will be fishing is the child or spouse of the individual who
2 holds the ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing license;

3 C. The holder of the ~~Class I, Class II or Class III~~ single or crew lobster and crab
4 fishing license is unable to use that license due to a substantial illness or medical
5 condition. The holder of the ~~Class I, Class II or Class III~~ single or crew lobster and
6 crab fishing license shall provide the commissioner with documentation from a
7 physician describing the illness or other medical condition; and

8 D. The holder of the ~~Class I, Class II or Class III~~ single or crew lobster and crab
9 fishing license documents to the commissioner that the license holder harvested a
10 minimum of 1,000 pounds of lobsters within one year prior to the request for the
11 temporary medical allowance.

12 A request for a temporary medical allowance must be in writing and must specify the
13 dates for which the temporary medical allowance is requested. The holder of the ~~Class I,
14 Class II or Class III~~ single or crew lobster and crab fishing license on which the
15 temporary medical allowance is based must maintain a valid license during the duration
16 of the temporary medical allowance. The holder of the ~~Class I, Class II or Class III~~ single
17 or crew lobster and crab fishing license is liable for the activities of the individual fishing
18 under the temporary medical allowance.

19 **2. Term.** A temporary medical allowance may not exceed one year or, upon renewal
20 under subsection 3, a total of 2 consecutive years.

21 **3. Renewal.** The commissioner may renew a temporary medical allowance issued
22 under subsection 1 for a maximum of one year upon a request in writing from the holder
23 of the ~~Class I, Class II or Class III~~ single or crew lobster and crab fishing license upon
24 which the temporary medical allowance is based. A request under this subsection must
25 be received by the commissioner before the expiration of a current temporary medical
26 allowance issued to that license holder.

27 **Sec. 38. 12 MRSA §6455, sub-§5-A, ¶A,** as enacted by PL 2013, c. 309, §2, is
28 repealed.

29 **Sec. 39. 12 MRSA §6455, sub-§5-A, ¶¶B and C,** as amended by PL 2013, c.
30 492, §5, are repealed.

31 **Sec. 40. 12 MRSA §6455, sub-§5-A, ¶D,** as amended by PL 2017, c. 368, §3, is
32 further amended to read:

- 33 D. For the years ~~2016~~ 2020 to 2021 the surcharges are, for:
- 34 (1) ~~Class I~~ Single lobster and crab fishing licenses for persons 18 to 69 years of
35 age, \$165.25;
 - 36 (2) ~~Class II lobster and crab fishing licenses, \$330.50, except that for license
37 holders 70 years of age or older the surcharge is \$165;~~
 - 38 (3) ~~Class III~~ Crew lobster and crab fishing licenses, \$480.75, except that for
39 license holders 70 years of age or older the surcharge is \$240;
 - 40 (4) Nonresident lobster and crab landing permits, \$480.75;

1 (5) Wholesale seafood licenses with lobster permits if the license holders hold no
2 supplemental wholesale seafood licenses with lobster permits, or lobster
3 transportation licenses if the license holders hold no supplemental lobster
4 transportation licenses, \$1,200;

5 (6) Supplemental wholesale seafood licenses with lobster permits or
6 supplemental lobster transportation licenses as follows:

7 (a) One thousand eight hundred dollars for up to 2 supplemental wholesale
8 seafood licenses with lobster permits or supplemental lobster transportation
9 licenses;

10 (b) Two thousand four hundred dollars for 3 to 5 supplemental wholesale
11 seafood licenses with lobster permits or supplemental lobster transportation
12 licenses; and

13 (c) Three thousand dollars for 6 or more supplemental wholesale seafood
14 licenses with lobster permits or supplemental lobster transportation licenses;
15 and

16 (7) Lobster processor licenses, \$1,000 if less than 1,000,000 pounds of raw
17 product is processed, and \$4,000 if 1,000,000 pounds or more of raw product is
18 processed.

19 **Sec. 41. 12 MRSA §6473, sub-§2, ¶A**, as enacted by PL 2011, c. 486, §6, is
20 amended to read:

21 A. Notwithstanding subsection 1, a person registered for Monhegan Lobster
22 Conservation Area trap tags may serve as a crew member to assist in the licensed
23 activities under the direct supervision of a ~~Class I, Class II or Class III~~ single or crew
24 lobster and crab fishing license holder outside the Monhegan Lobster Conservation
25 Area.

26 **Sec. 42. 12 MRSA §6474, sub-§5**, as enacted by PL 1997, c. 574, §4, is amended
27 to read:

28 **5. License suspension and eligibility.** A person eligible to register for Monhegan
29 Lobster Conservation Area trap tags under subsection 4, paragraph A if not for the
30 suspension of that person's ~~Class I, Class II or Class III~~ single or crew lobster and crab
31 fishing license may not, for the purpose of admitting new registrants, be considered to
32 have failed to register pursuant to section 6475, subsection 1, paragraph C, subparagraph
33 (3). Upon reinstatement of that person's license, that person is deemed registered and the
34 commissioner may issue trap tags to that person, unless that person notifies the
35 commissioner before reinstatement that the person chooses to not be registered.

36 **Sec. 43. 12 MRSA §6482, sub-§2, ¶¶B and C**, as enacted by PL 2013, c. 342,
37 §1, are amended to read:

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

1 (1) That person's ~~Class I, Class II or Class III~~ single or crew lobster and crab
2 fishing license issued in the prior calendar year identified the lobster management
3 zone that includes the Swans Island Lobster Conservation Area as the declared
4 lobster zone, as defined in section 6448, subsection 1, paragraph A, and that
5 person applies to the commissioner during the period between January 1st and
6 May 31st for Swans Island Lobster Conservation Area trap tags; or

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

11 C. A person otherwise eligible to apply for Swans Island Lobster Conservation Area
12 trap tags under paragraph B if not for the suspension of that person's ~~Class I, Class II or~~
13 ~~Class III~~ single or crew lobster and crab fishing license may apply to the
14 commissioner for Swans Island Lobster Conservation Area trap tags during the
15 period between January 1st and May 31st. Upon reinstatement of that person's
16 license, the commissioner may issue trap tags to that person.

17 **Sec. 44. 12 MRSA §6810-A, sub-§1-A**, as enacted by PL 2017, c. 146, §2, is
18 amended to read:

19 **1-A. Eligibility.** A marine harvesting demonstration license may be issued only to
20 an individual, except that a person who holds a ~~Class I, Class II or Class III~~ single or crew
21 lobster and crab fishing license or a noncommercial lobster and crab fishing license may
22 not be issued a marine harvesting demonstration license.

23 **Sec. 45. 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 or~~
32 ~~Class III~~ single or crew lobster and crab fishing license may assist a person who holds a
33 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. 46. 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 or Class III~~ single or crew lobster and crab fishing license
38 and has landed lobster under that license.

39 **Sec. 47. 12 MRSA §6851, sub-§2-A**, as amended by PL 2009, c. 523, §8, is
40 further amended to read:

