

MAINE STATE LEGISLATURE

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Minority

8/11/19

L.D. 956

Date: 5/23/19

Minority

(Filing No. H-360)

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MARINE RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "B" to H.P. 711, L.D. 956, Bill, "An Act To Allow Student License Holders To Fish for or Take Lobsters during a Closed Season"

Amend the bill by striking out the title and substituting the following:

'An Act To Allow Student License Holders in the Monhegan Lobster Conservation Area To Fish for or Take Lobsters during a Closed Season'

Amend the bill by striking out everything after the title and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is important for a student license holder to gain experience during the summer months when it is safer to fish and when that license holder is not in school; and

Whereas, it is necessary that this legislation take effect by June 26, 2019 in order for a student license holder in the Monhegan Lobster Conservation Area to be able to fish for or take lobster during the interim between school years; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §6421, sub-§3-A, ¶E, as amended by PL 2015, c. 68, §3, is further amended to read:

E. A student license authorizes the license holder to engage in the licensed activities under subsection 2. A student license may be issued only to a person who, at the time of application, is 8 years of age or older and under 23 years of age. A Except as provided in section 6477, a person issued a student license may not submerge more than:

COMMITTEE AMENDMENT

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

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

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

7 A person issued a student license is enrolled in the apprentice program under section
8 6422. When applying for a license the person must designate a sponsor and may
9 designate up to 3 sponsors. For the purposes of this paragraph, "sponsor" means a
10 person who holds a Class I, Class II or Class III lobster and crab fishing license
11 issued under this section.

12 **Sec. 2. 12 MRSA §6472, sub-§1**, as amended by PL 2007, c. 219, §2, is further
13 amended to read:

14 **1. Closed season.** It Except as provided in section 6477, it is unlawful for a person
15 to fish for or take lobsters in the Monhegan Lobster Conservation Area from June 26th to
16 August 31st September 30th, both days inclusive, and on any day not included in the
17 open season established by the commissioner under subsection 2.

18 **Sec. 3. 12 MRSA §6477**, as enacted by PL 1997, c. 574, §4, is repealed and the
19 following enacted in its place:

20 **§6477. Student license holder**

21 **1. Trap tags.** Notwithstanding section 6474, a person issued a student license under
22 section 6421 may not be issued by the commissioner more than:

23 A. Fifteen Monhegan Lobster Conservation Area trap tags in the Monhegan Lobster
24 Conservation Area if the person is 8 years of age or older and under 14 years of age;
25 or

26 B. Twenty-five Monhegan Lobster Conservation Area trap tags in the Monhegan
27 Lobster Conservation Area if the person is 14 years of age or older and under 23
28 years of age.

29 The license holder must tend the tagged traps from a vessel operated by a person
30 registered under section 6474. The student license holder must be present when that
31 license holder's lobster traps are tended. A student license holder shall certify on forms
32 supplied by the commissioner that a person registered under section 6474 authorizes the
33 student license holder to fish for or take lobsters from that person's vessel.

34 **2. Student fishing during the closed season.** Notwithstanding section 6472,
35 subsection 1, a person with a student license issued pursuant to section 6421 who is
36 issued trap tags pursuant to this section is authorized to fish for or take lobsters in the
37 Monhegan Lobster Conservation Area during the closed season if that closed season
38 occurs during an interim between school years.

39 **Emergency clause.** In view of the emergency cited in the preamble, this
40 legislation takes effect when approved.'

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment strikes and replaces the title and bill.

5 Like the bill, this amendment allows a person with a student lobster and crab fishing
6 license to fish for or take lobster during a closed season on fishing for or taking lobsters if
7 that closed season occurs during an interim between school years, except this amendment
8 limits the permission to a student license holder issued trap tags to fish only in the
9 Monhegan Lobster Conservation Area who may fish only during the closed season in the
10 Monhegan Lobster Conservation Area. This amendment retains the number of Monhegan
11 Lobster Conservation Area trap tags that may be issued by the commissioner to a student
12 license holder at 15 for a student license holder 8 years of age or older and under 14 years
13 of age and increases from 15 to 25 the number of trap tags issued to a student license
14 holder 14 years of age or older and under 23 years of age.

15 This amendment also adds an emergency preamble and clause so that it will take
16 effect in time for a Monhegan Lobster Conservation Area student license holder to fish
17 for lobster during the summer months.

18 **FISCAL NOTE REQUIRED**

19 **(See attached)**



129th MAINE LEGISLATURE

LD 956

LR 1312(03)

An Act To Allow Student License Holders To Fish for or Take Lobsters during a Closed Season

Fiscal Note for Bill as Amended by Committee Amendment

B(H-360)

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

This bill allows the holder of a student lobster and crab fishing license who has been issued trap tags to fish in the Monhegan Lobster Conservation Area (MLCA) during the closed season if that closed season occurs during an interim between school years. The bill also specifies that the age of the licensee determines the number of trap tags issued to student lobster and crab fishing licensees who fish in the MLCA. Due to the limited number of student lobster and crab fishing licensees who fish in the MLCA, any additional costs to the Department of Marine Resources to implement the provisions of this bill are anticipated to be minor and can be absorbed within existing budgeted resources.