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An Act To Permit the Landing of Lobsters Harvested by Methods other than Conventional Traps

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

Whereas, the ability of the groundfish industry to land lobsters in Maine caught by unconventional methods in certain federal waters is of vital economic importance to the industry and the survival of Maine businesses dependant on the groundfish industry; 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Sec. 1. 12 MRSA §6421, sub-§1, as repealed and replaced by PL 2003, c. 452, Pt. F, §8 and affected by Pt. X, §2, is amended to read:

1. License required. A person may not engage in the activities authorized under this section without a license issued under this Part authorizing the activities or without a current:

- A. Class I lobster and crab fishing license;
- B. Class II lobster and crab fishing license;
- C. Class III lobster and crab fishing license;
- D. Apprentice lobster and crab fishing license;
- E. Student lobster and crab fishing license;
- F. Noncommercial lobster and crab fishing license; or
- G. ~~Other license issued under this Part authorizing the activities.~~
- H. Offshore lobster and crab landing license.

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

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

lobster parts or meat. The holder of a Class II or, Class III or offshore lobster and crab landing license is liable for the licensed activities under this subsection of all unlicensed crew members assisting that licensee.

Sec. 3. 12 MRSA §6421, sub-§3-A, ¶G is enacted to read:

G. An offshore lobster and crab landing license authorizes the license holder to engage in the licensed activities under subsection 2. An offshore lobster and crab landing license holder may have 4 unlicensed crew members on board to assist in the licensed activities. Crew members must be under the direct supervision of the offshore lobster and crab landing license holder.

Sec. 4. 12 MRSA §6421, sub-§7-A, ¶G, as repealed and replaced by PL 2005, c. 354, §2, is amended to read:

G. Fifty-six dollars for a student lobster and crab fishing license; and

Sec. 5. 12 MRSA §6421, sub-§7-A, ¶H, as repealed and replaced by PL 2005, c. 354, §2, is amended to read:

H. Fifty-six dollars for a noncommercial lobster and crab fishing license;

Sec. 6. 12 MRSA §6421, sub-§7-A, ¶I is enacted to read:

I. Two hundred sixty dollars for a resident offshore lobster and crab landing license; and

Sec. 7. 12 MRSA §6421, sub-§7-A, ¶J is enacted to read:

J. Five hundred twenty dollars for a nonresident offshore lobster and crab landing license.

Sec. 8. 12 MRSA §6432, sub-§1, as amended by PL 2003, c. 520, §4, is further amended to read:

1. Conventional traps. Except as provided in subsection 4-A, a person may not fish for or take lobster by any method other than conventional lobster traps, as defined in rule, or from any platform other than a vessel. A vessel does not include a dock.

Sec. 9. 12 MRSA §6432, sub-§4-A is enacted to read:

4-A. Offshore lobster and crab landing license. A person fishing pursuant to an offshore lobster and crab landing license may land lobsters and crabs harvested by a method other than conventional lobster traps subject to the following:

A. A person may harvest lobsters under an offshore lobster and crab landing license only from the EEZ Offshore Management Area 3 as defined in 50 Code of Federal Regulations, Section 697.18 (2006);

B. The number of lobsters taken pursuant to an offshore lobster and crab landing license may not exceed 100 lobsters for a fishing trip of 24 hours or less in duration, with a maximum limit of 500 lobsters within a period of 7 consecutive days;

C. The vessel landing lobsters must be equipped with a functioning vessel monitoring system approved by the National Marine Fisheries Service as defined in 50 Code of Federal Regulations, Section 648.9 (2006); and

D. The vessel landing lobsters must allow the department to access the vessel's vessel monitoring system positioning data as determined by the department.

The commissioner shall adopt rules to monitor the landing of lobsters pursuant to an offshore lobster and crab landing license. The commissioner may limit by rule the percentage of lobsters landed pursuant to this license to no more than 6% of the total of lobsters landed annually. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 10. 12 MRSA §6432, sub-§5, as amended by PL 1999, c. 82, §2, is further amended to read:

5. Penalty for possession. Possession of lobsters other than those caught by the method specified in subsection 1 or 4-A is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 3, the court shall impose a fine of \$50 for each violation and, in addition, a fine of \$100 for each lobster involved.

Sec. 11. 12 MRSA §6451, sub-§1, as amended by PL 2005, c. 354, §3, is further amended to read:

1. Allocation of license fees. Ten dollars of each \$113.75 fee, \$10 of each \$114 fee, \$20 of each \$228.50 fee, \$25 of each \$260 fee, \$30 of each \$341.25 fee, \$30 of each \$336 fee, \$50 of each \$520 fee, \$60 of each \$682.75 fee, \$120 of each \$1,371.50 fee, \$180 of each \$2,047.25 fee and \$5 of each \$56 fee for each lobster and crab fishing license must be allocated to the Lobster Fund, which must be used for the purposes of lobster biology research, of propagation of lobsters by liberating seed lobsters and female lobsters in Maine coastal waters and of establishing and supporting lobster hatcheries.

Sec. 12. 12 MRSA §6455, sub-§5, ¶D, as amended by PL 2001, c. 226, §1, is further amended to read:

D. Wholesale seafood licenses with lobster permits, \$250; and

Sec. 13. 12 MRSA §6455, sub-§5, ¶E, as amended by PL 2001, c. 226, §1, is further amended to read:

E. Lobster transportation licenses, \$250; and

Sec. 14. 12 MRSA §6455, sub-§5, ¶F is enacted to read:

F. Offshore lobster and crab landing licenses, \$100.

Sec. 15. 12 MRSA §6952-A, sub-§4 is enacted to read:

4. Exception; offshore lobster and crab landing license holders. This section does not apply to lobsters that are fished for, taken or possessed by a holder of an offshore lobster and crab landing license in accordance with section 6432, subsection 4-A.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

SUMMARY

This bill is an emergency measure and takes effect upon approval. It creates an offshore lobster and crab landing license that allows the holder to harvest lobsters other than by conventional lobster traps from the EEZ Offshore Lobster Management Area 3 and land those lobsters in the State. It sets the limit for the number of lobsters that can be harvested under this license at 100 lobsters for a fishing trip of 24 hours or less in duration, with a maximum limit of 500 lobsters within a period of 7 consecutive days. This bill provides for the allocation of revenues raised by the new license to the Lobster Fund and the Lobster Promotion Fund.