

§6446. Lobster management zones

1. Establishment of zones. The commissioner may establish by rule zones to facilitate local or regional management of lobster fishery efforts.

[PL 1995, c. 468, §8 (NEW).]

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

[PL 2015, c. 68, §5 (AMD).]

2. Rules for zones. The commissioner may adopt rules for a zone established under subsection 1 that are proposed pursuant to section 6447, subsection 5, section 6447, subsection 5-C or section 6447, subsection 5-D only when the rules were proposed by the lobster management policy council established for that zone pursuant to section 6447, subsection 1 and the proposed rules were approved in a referendum pursuant to section 6447, subsection 6. The commissioner may accept the rules proposed by a lobster management policy council as reasonable and adopt those rules or reject the council's proposed rules as unreasonable. The rules adopted under this subsection by the commissioner must accurately reflect the intent of the rules proposed by a lobster management policy council but are not required to be a verbatim rendition of the proposed rules.

A. [PL 1995, c. 568, §4 (RP).]

B. [PL 1995, c. 568, §4 (RP).]

C. [PL 1995, c. 568, §4 (RP).]

[PL 2007, c. 204, §2 (AMD).]

2-A. Rules pursuant to section 6447, subsection 5-A.

[PL 2001, c. 282, §1 (NEW); MRSA T. 12 §6446, sub-§2-A (RP).]

2-B. Rules pursuant to section 6447, subsection 5-B.

[PL 2005, c. 202, §2 (RP).]

3. Application of zone rules. The commissioner may adopt rules that define the application of zone rules to a person who holds a license under section 6421 and who fishes for lobsters in more than one zone.

[PL 1995, c. 468, §8 (NEW).]

4. Public hearing not required. In adopting rules under subsection 2, the commissioner is not required to hold a public hearing on the rules pursuant to Title 5, section 8052. Except as provided in subsection 6, the commissioner shall comply with all other provisions of Title 5, chapter 375 when adopting rules under subsection 2.

[PL 1995, c. 568, §5 (AMD).]

5. Role of advisory council. Notwithstanding any provisions to the contrary, the commissioner may adopt rules under this section without the advice and consent of the Marine Resources Advisory Council.

[PL 1995, c. 468, §8 (NEW).]

6. Petition for rule prohibited. A person may not petition the commissioner pursuant to Title 5, section 8055 for the adoption or modification of a rule for a lobster management zone established under this section that regulates the number of lobster traps fished and the time periods allowed for complying with that number, the number of lobster traps allowed on a trawl and the time of day when lobster fishing may occur.

[PL 1995, c. 568, §6 (NEW).]

SECTION HISTORY

PL 1995, c. 468, §8 (NEW). PL 1995, c. 568, §§4-6 (AMD). PL 1999, c. 508, §1 (AMD). PL 2001, c. 282, §1 (AMD). PL 2003, c. 466, §5 (AFF). PL 2003, c. 466, §§2,3 (AMD). PL 2005, c. 202, §§1,2 (AMD). PL 2005, c. 239, §3 (AMD). PL 2007, c. 201, §16 (AMD). PL 2007, c. 204, §2 (AMD). PL 2015, c. 68, §5 (AMD).

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