

STATE OF MAINE

 IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

 H.P. 711 - L.D. 956

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

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:

- (1) Ten lobster traps in the coastal waters of the State if the person is 8 years of age or older and under 11 years of age;
- (2) Fifty lobster traps in the coastal waters of the State if the person is 11 years of age or older and under 14 years of age; or

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

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

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

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

Sec. 3. 12 MRSA §6477, as enacted by PL 1997, c. 574, §4, is repealed and the following enacted in its place:

§6477. Student license holder

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

A. Ten Monhegan Lobster Conservation Area trap tags in the Monhegan Lobster Conservation Area if the person is 8 years of age or older and under 11 years of age;

B. Twenty-five Monhegan Lobster Conservation Area trap tags in the Monhegan Lobster Conservation Area if the person is 11 years of age or older and under 14 years of age; or

C. Fifty Monhegan Lobster Conservation Area trap tags in the Monhegan Lobster Conservation Area if the person is 14 years of age or older and under 23 years of age.

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

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

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