

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Encourage Lobstering Traditions and Facilitate Retirement from Lobstering

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

Sec. 1. 12 MRSA §6421, sub-§5, ¶C, as corrected by RR 2001, c. 2, Pt. A, §14, is amended to read:

C. Meets the requirements of the apprentice program under section 6422 or section 6475; or

Sec. 2. 12 MRSA §6421, sub-§5, ¶D, as corrected by RR 2001, c. 2, Pt. A, §15, is amended to read:

D. Did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included the previous calendar year; or

Sec. 3. 12 MRSA §6421, sub-§5, ¶I is enacted to read:

I. Is eligible to receive a license by transfer under section 6424.

Sec. 4. 12 MRSA §6424 is enacted to read:

§ 6424. Transfer of commercial lobster and crab fishing license

A person who holds a valid Class I, Class II or Class III lobster and crab fishing license and who is 65 years of age or older may transfer the license to that person's child as long as that child has actively lobstered in the State for 5 years, maintained residency in the State for a minimum of 10 years and has completed the apprentice program under section 6422 or section 6475, and the license holder and the transferee notify the department in writing of the transfer. For the purposes of this section, "child" means a natural child or child who was adopted prior to having attained 18 years of age.

Sec. 5. 12 MRSA §6431-F, sub-§2, ¶A, as amended by PL 2005, c. 239, §2, is further amended to read:

A. If the license holder was issued a Class I, Class II or Class III lobster and crab fishing license for the first time after meeting the requirements of the apprentice program under section 6422 or after receiving a lobster and crab fishing license by transfer under section 6424, the license holder may not purchase more than 300 trap tags for the initial license year. For each following year, the license holder may purchase up to an increase of 100 trap tags each year as long as the total number purchased does not exceed the number of traps allowed under the lowest trap limit established by rule for the zones identified on that person's license pursuant to section 6446, subsection 1-A; and

SUMMARY

This bill authorizes the transfer of a Class I, Class II or Class III lobster and crab fishing license by the license holder to that person's child under certain circumstances. The child who is receiving the license by transfer must have lobstered in Maine for 5 years, maintained Maine residency for at least 10 years and completed a Department of Marine Resources apprentice program for entry into the lobster fishery, and the license holder and the transferee must notify the department in writing of the transfer. It also adds a provision to limit a recipient of a license by transfer to 300 traps in the initial year and an increase of 100 traps each subsequent year up to the trap limit.