

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-TWO

H.P. 1422 - L.D. 1916

**An Act To Create a Legal Defense Fund for the Maine Lobster Industry**

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

**Sec. 1. 12 MRSA §6455-A, sub-§11**, as enacted by PL 2021, c. 491, §2, is amended by amending the 3rd blocked paragraph to read:

The Except as provided in chapter 619, subchapter 7, the Treasurer of State shall hold all surcharges assessed by this subsection in the fund and invest all money in the fund until disbursed to the collaborative upon request of the collaborative. Interest from investments accrues to the fund.

**Sec. 2. 12 MRSA c. 619, sub-c. 7** is enacted to read:

**SUBCHAPTER 7**

**LOBSTER LEGAL DEFENSE FUND**

**§6491. Lobster Legal Defense Fund established**

The Lobster Legal Defense Fund, referred to in this subchapter as "the fund," is established as a nonlapsing account within the department to support the State's lobster industry in accordance with this subchapter. The fund includes amounts appropriated by the Legislature for purposes of this subchapter and 20% of the license surcharges assessed by the department pursuant to section 6455-A, subsection 11, deposited into the fund by the department.

**§6492. Use of fund**

Until June 30, 2024, the fund must be distributed on an annual basis as follows:

**1. Department.** To the department, an amount sufficient to reimburse the department for costs incurred in administering the fund during the preceding 12-month period;

**2. Association.** To a designated statewide association representing individuals engaged in commercial lobster fishing, up to 1/2 of the balance remaining after allocation to the department under subsection 1 to reimburse the association for legal costs incurred

in legal proceedings involving the regulations of the United States Department of Commerce, National Oceanic and Atmospheric Administration implementing the Atlantic Large Whale Take Reduction Plan for which the association submits invoices to the department detailing legal costs incurred and paid; and

**3. Labor union.** To a labor union representing individuals engaged in commercial lobster fishing in the State, up to 1/2 of the balance remaining after allocation to the department under subsection 1 to reimburse the union for legal costs incurred in legal proceedings involving the regulations as set out in subsection 2 for which the union submits invoices to the department detailing legal costs incurred and paid.

The department shall distribute money from the fund according to this section. The department may adopt policies governing the distribution of money from the fund.

**§6493. Distribution of funds after June 30, 2024**

The department shall distribute money in the fund on June 30, 2024 as set out in this section.

**1. Lobster Promotion Fund.** An amount up to the amount of the license surcharges placed in the fund pursuant to section 6491 must be deposited into the Lobster Promotion Fund established in section 6455-A, subsection 10.

**2. Department.** Any balance remaining after the deposit under subsection 1 must be credited to the department.

**§6494. Repeal**

This subchapter is repealed October 1, 2024.

**Sec. 3. Report.** The Department of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over marine resources matters by February 15, 2024. The report must provide details on disbursements made from the Lobster Legal Defense Fund established in the Maine Revised Statutes, Title 12, section 6491. The committee may report out a bill relating to the contents of the report during the Second Regular Session of the 131st Legislature.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**MAINE LOBSTER MARKETING COLLABORATIVE**

**Lobster Promotion Fund 0701**

Initiative: Deallocates funding because of a reduction in revenue from the license surcharge.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$0	(\$380,000)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>(\$380,000)</b>

**MAINE LOBSTER MARKETING COLLABORATIVE**

<b>DEPARTMENT TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>(\$380,000)</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>(\$380,000)</b>
<b>MARINE RESOURCES, DEPARTMENT OF</b>		
<b>Lobster Legal Defense Fund N946</b>		
Initiative: Provides ongoing allocations to support the State's lobster industry by reimbursing a statewide association of individuals engaged in commercial lobster fishing and the labor union representing individuals engaged in commercial lobster fishing in the State for legal costs incurred and paid in legal proceedings involving the regulations of the United States Department of Commerce, National Oceanic and Atmospheric Administration implementing the Atlantic Large Whale Take Reduction Plan.		
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$0	\$380,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$380,000</b>
<b>MARINE RESOURCES, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>		
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$380,000</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$380,000</b>
<b>SECTION TOTALS</b>		
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$0</b>
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$0</b>