

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

Amend the bill by striking out all of sections 1 to 3 and inserting the following:

**‘Sec. 1. 12 MRSA §6402,** as amended by PL 1993, c. 543, §1, is further amended by inserting after the first paragraph a new paragraph to read:

The commissioner shall suspend the nonresident lobster and crab landing permit of a permit holder convicted in court of violating section 6434. This suspension is for 3 years from the date of conviction. This paragraph is repealed January 1, 2010.

**Sec. 2. 12 MRSA §6402-B,** as amended by PL 1995, c. 315, §1, is further amended by inserting after the first paragraph a new paragraph to read:

Notwithstanding section 6401, subsection 2, the commissioner shall suspend the nonresident lobster and crab landing permit of a permit holder convicted of a 2nd or subsequent offense of possessing a lobster smaller than the minimum size established in section 6431, subsection 1 if the conviction of the 2nd or subsequent offense involved possession of 3 or more lobsters smaller than that minimum size. This paragraph is repealed January 1, 2010.

**Sec. 3. 12 MRSA §6404,** as amended by PL 1995, c. 468, §2, is further amended by inserting after the first paragraph a new paragraph to read:

The commissioner shall suspend the nonresident lobster and crab landing permit of a permit holder convicted in court of violating section 6438-A. The suspension must be for one year from the date of conviction. This paragraph is repealed January 1, 2010.’

Amend the bill in section 6 in subsection 2-B in the 2nd line (page 1, line 30 in L.D.) by inserting after the following: "possess" the following: ', transport'

Amend the bill in section 6 in subsection 2-B in the last line (page 1, line 33 in L.D.) by inserting after the following: "meat." the following: 'This subsection is repealed January 1, 2010.'

Amend the bill in section 7 in subsection 5-D in paragraph B in the 2nd line (page 2, line 5 in L.D.) by striking out the following: "and"

Amend the bill in section 7 in subsection 5-D in paragraph C in the 2nd line (page 2, line 7 in L.D.) by striking out the following: "State." and inserting the following: 'State; and'

Amend the bill in section 7 in subsection 5-D by inserting after paragraph C the following:

‘D. Documents to the commissioner that that person has not been issued trap tags from a state other than Maine or federally issued trap tags that allow the individual to exceed a trap limit established under section 6431-A.’

Amend the bill in section 7 in subsection 5-D by inserting at the end the following:

‘This subsection is repealed January 1, 2010.’

Amend the bill in section 8 in subsection 5-E in the last line (page 2, line 20 in L.D.) by inserting after the following: "subsection 1." the following: 'This subsection is repealed January 1, 2010.'

Amend the bill in section 11 in paragraph I in the 2nd line (page 2, line 29 in L.D.) by inserting after the following: "permit." the following: 'This paragraph is repealed January 1, 2010.'

Amend the bill by striking out all of sections 12 to 17 and inserting the following:

**'Sec. 12. 12 MRSA §6431-A, sub-§1-A** is enacted to read:

**1-A. Limit on traps under nonresident lobster and crab landing permit.** The holder of a nonresident lobster and crab landing permit issued under section 6421 may not submerge more than 800 traps. If a lower trap limit is adopted by rule for a zone pursuant to section 6446, a license holder or permit holder who fishes in that zone may not submerge a number of traps that exceeds the lower limit.

The number of traps fished from a vessel may not exceed the applicable trap limit established in this subsection, regardless of the number of license holders fishing from that vessel.

This subsection is repealed January 1, 2010.

**Sec. 13. 12 MRSA §6431-B**, as amended by PL 2003, c. 20, Pt. WW, §3, is further amended by inserting after the first paragraph a new paragraph to read:

The commissioner shall establish by rule a lobster trap tag system under which nonresident lobster and crab landing permit holders must purchase tags for the purpose of identifying and tracking traps. The rules must contain provisions for replacing lost tags. The commissioner may impose a per-tag fee to cover the cost of trap tags, the costs of administering and enforcing a lobster trap tag system, the costs of management of the lobster fishery and the costs associated with lobster management policy councils and referenda pursuant to section 6447. Trap tag fees must be deposited in the Lobster Management Fund established under section 6431-C. This paragraph is repealed January 1, 2010.

**Sec. 14. 12 MRSA §6432, sub-§2-A** is enacted to read:

**2-A. Marking; nonresident lobster and crab landing permit.** It is unlawful to set, raise, lift or transfer any lobster trap or buoy unless it is clearly marked with the owner's nonresident lobster and crab landing permit number. This subsection is repealed January 1, 2010.

**Sec. 15. 12 MRSA §6434, sub-§5** is enacted to read:

**5. Additional penalty; nonresident lobster and crab landing permit.** If the holder of a nonresident lobster and crab landing permit violates this section by cutting a lobster trap line, the court shall:

A. Order that person to pay to the owner of the trap line that was cut an amount equal to twice the replacement value of all traps lost as a result of that cutting; and

B. Direct that person to provide proof of payment of that restitution to the commissioner as required by section 6402, subsection 1.

A penalty imposed under this subsection is in addition to any penalty imposed under section 6204.

This subsection is repealed January 1, 2010.

**Sec. 16. 12 MRSA §6446, sub-§1-B** is enacted to read:

**1-B. Declared lobster zone; authorized zones; nonresident lobster and crab landing permit.** On an application for 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 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 that 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 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. This subsection is repealed January 1, 2010.'

Amend the bill in section 20 in paragraph F by inserting after the following: "§93.75." the following: 'This paragraph is repealed January 1, 2010.'

Amend the bill by inserting after section 20 the following:

**'Sec. 21. Report.** The Department of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the implementation of the nonresident lobster and crab landing permit, the number of permits sold and the effect of the permit on lobster fishing efforts and Maine businesses by January 3, 2009. The joint standing committee may submit legislation during the First Regular Session of the 124th Legislature related to that report.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## SUMMARY

This amendment is the minority report and provides that an applicant for a nonresident lobster and crab landing permit must document to the Commissioner of Marine Resources that that person has not been issued lobster trap tags from another state or from the federal government that would allow that person to exceed Maine's trap tag limit. It also provides that the holder of the permit may transport lobsters within the State. The amendment directs the Department of Marine Resources to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the implementation and impact of the nonresident lobster and crab landing permit on the lobster resource and related businesses by January 3, 2009. It also repeals the nonresident lobster and crab fishing permit January 1, 2010.