

126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1020

H.P. 718

House of Representatives, March 14, 2013

An Act Regarding the Swans Island Lobster Fishing Zone

(EMERGENCY)

Reference to the Committee on Marine Resources suggested and ordered printed.

Millicent M. Mac Jarland

MILLICENT M. MacFARLAND Clerk

Presented by Representative KUMIEGA of Deer Isle.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** the trap limit in the Swans Island Lobster Conservation Area is 475 per 4 individual and the rest of Zone B allows 800 traps; and

5 **Whereas,** it is necessary to raise the maximum number of allowed traps in the 6 Swans Island Lobster Conservation Area in order to increase economic opportunity for 7 license holders fishing in the Swans Island Lobster Conservation Area in order to sustain 8 commercial lobster fishing as a viable economic pursuit for residents of Swans Island and 9 keep the community's population sustainable; and

- 10 **Whereas,** the Maine lobster industry faces a critical opportunity for branding and 11 marketing; and
- 12 **Whereas,** it is necessary that this Act take effect by June 2013 in order to take 13 advantage of the plentiful summer harvest, in order to provide needed support to persons 14 who fish for lobster and the lobster industry; 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,

- 19 Be it enacted by the People of the State of Maine as follows:
- 20 Sec. 1. 12 MRSA c. 619, sub-c. 6 is enacted to read:
- 21

22

SUBCHAPTER 6

- SWANS ISLAND LOBSTER CONSERVATION AREA
- 23 §6481. Swans Island Lobster Conservation Area

24 <u>**1. Swans Island Lobster Conservation Area.** The following territorial waters of
 25 the State in the vicinity of Swans Island are known as the Swans Island Lobster
 26 Conservation Area:
</u>

27 Beginning at the northern tip of Long Point, Marshall Island, Hancock County, Maine; 28 then northerly to the navigational buoy at the western entrance to Toothacker Bay, 29 located at the intersection of Loran lines 9960-W-12492.0 and 9960-X-25800.0; then northeasterly to West Point, Swans Island, Hancock County, Maine; then from Phinney 30 31 Point on the northeastern shore of Swans Island southeasterly to the intersection of Loran lines 9960-W-12445.6 and 9960-X-25780.9, 68°22.40' W. Longitude, 44°08.79' N. 32 Latitude, Hancock County, Maine; then southwesterly to the intersection of Loran lines 33 34 9960-W-12468.0 and 9960-X-25773.0, 68°23.6' W. Longitude, 44°06.4' N. Latitude; then south-southwesterly to the intersection of Loran lines 9960-W-12482.2 and 9960-X-35 25766.4, 68°24.01' W. Longitude, 44°04.8' N. Latitude; then southerly to the intersection 36

1	of Loran lines 9960-W-12493.5 and 9960-X-25758.4, 68°23.9' W. Longitude, 44°03.1' N.
2	Latitude, and the intersection with the 3-nautical-mile line of the territorial waters, as
3	shown on United States Department of Commerce, National Oceanic and Atmospheric
4	Administration, National Ocean Service, Office of Coast Survey Chart #13312; then
5	southwesterly along the 3-nautical-mile line of the territorial waters approximately 3.5
6	miles to a point where a line drawn southeasterly 165° True from the center of Black
7	Ledges intersects the 3-nautical-mile line of the territorial waters at Loran lines 9960-W-
8	12524.5 and 9960-X-25765.5, 68°28.6' W. Longitude, 44°01.9' N. Latitude; then
9	northwesterly 345° True to the center of Black Ledges; then northwesterly to the most
10 11	southerly point of Marshall Island; thence along the westerly shore of Marshall Island to the point of beginning.
12	§6482. Fishing in Swans Island Lobster Conservation Area
13	1. Placing and maintaining traps. A person may not place or maintain any trap for
13	lobsters, or otherwise fish for or take lobsters, within the Swans Island Lobster
15	Conservation Area except in accordance with this section.
16	A. An individual registered to obtain Swans Island Lobster Conservation Area trap
17	tags under this section may not place or maintain in the Swans Island Lobster
18	Conservation Area more than 550 traps. Each trap must bear the appropriate tag.
19	B. A person may not place or maintain a lobster trap in the Swans Island Lobster
20	Conservation Area unless a trap tag designated for use in the Swans Island Lobster
21	Conservation Area is affixed to the trap.
22	2. Trap tags; eligibility; expiration; suspension. The commissioner shall issue tags
23	for traps in the Swans Island Lobster Conservation Area in accordance with this
24	subsection. The commissioner shall charge and deposit fees for Swans Island Lobster
25	Conservation Area trap tags in accordance with section 6431-B.
26	A. Trap tags issued for use in the Swans Island Lobster Conservation Area expire
27	after one year as determined by the commissioner by rule.
28	B. Except as provided under paragraph C, the commissioner may not issue Swans
29	Island Lobster Conservation Area trap tags to a person unless that person:
30	(1) Registered with the commissioner to purchase Swans Island Lobster
31	Conservation Area trap tags for the prior season, documents to the commissioner
32	that the person harvested lobsters from the Swans Island Lobster Conservation
33	Area in the prior season and applies to the commissioner during the period
34	between January 1st and May 31st for Swans Island Lobster Conservation Area
35	trap tags; or
36	(2) Registered with the commissioner to purchase Swans Island Lobster
37	Conservation Area trap tags for the prior calendar year, documents to the
38	commissioner that the person did not harvest lobsters from the Swans Island
39	Lobster Conservation Area in the prior season because of an illness or medical
40	condition and applies to the commissioner during the period between January 1st
41	and May 31st for Swans Island Lobster Conservation Area trap tags.

1 2 3	C. A person otherwise eligible to apply for Swans Island Lobster Conservation Area trap tags under paragraph B if not for the suspension of that person's Class I, Class II or Class III lobster and crab fishing license may apply to the commissioner for Swans
4	Island Lobster Conservation Area trap tags during the period between January 1st and
5	May 31st. Upon reinstatement of that person's license, the commissioner may issue
6	trap tags to that person.
7 8	Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.
9	SUMMARY
10	This bill establishes in statute the Swans Island Lobster Conservation Area. Under
11	this bill, the maximum allowable number of lobster traps and tags per individual

this bill, the maximum allowable number of lobster traps and tags per individual
registered to obtain Swans Island Lobster Conservation Area trap tags is 550.