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An Act To Protect Fishing Families by Authorizing Certain Transfers of Lobster and Crab Fishing Licenses

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 may transfer the license to that person's child, grandchild or spouse as long as that child, grandchild or spouse 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. By January 30, 2012, the department shall review the transfer of licenses and shall issue a written report that includes its findings and recommendations for the transfer of licenses under this section. That report must be forwarded to the commissioner and to the joint standing committee of the Legislature having jurisdiction over marine resources matters and recommend whether or not to continue allowing transfers under this section.

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 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, grandchild or spouse under certain circumstances. The relative who is receiving the license by transfer must have 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, and it requires the Department of Marine Resources to review the transfer of licenses in 3 years, and annually thereafter, and to make recommendations on whether or not to continue allowing transfers.