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An Act To Protect the Long-term Viability of Island Lobster Fishing Communities

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

Sec. 1. 12 MRSA §6448, sub-§8, ¶E is enacted to read:

E. Notwithstanding section 6447, subsection 5-C, a person who has either successfully completed the requirements of the apprentice program under section 6422 or 6475 or held a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year and who has registered to enter an established island license management area as described under section 6449 may declare as that person's declared lobster zone the zone in which the island license management area is located when the person becomes eligible to enter the island license management area.

Sec. 2. 12 MRSA §6449 is enacted to read:

§ 6449. Island license management areas

1. Proposal to commissioner. A person who is issued a Class I, Class II or Class III lobster and crab fishing license who is a resident on an island in the coastal waters with a year-round community that is not connected to the mainland by any artificial structure may propose to the commissioner the establishment of a limited-entry zone program for the island. The purpose of the limited-entry zone program for the island is to maintain a number of licenses appropriate for the needs of the island community and the local lobster resource.

2. Petition. In order for an island lobster fishing community to petition the commissioner for the establishment of an island limited-entry zone program, a minimum of either 5 Class I, Class II or Class III lobster and crab fishing license holders or 10% of the Class I, Class II or Class III lobster and crab fishing license holders, whichever is greater, must sign the petition submitted to the commissioner. If 2/3 of the Class I, Class II or Class III lobster and crab fishing license holders voting in a referendum held pursuant to section 6447, subsection 6 support the establishment of an island limited-entry zone program, the commissioner may adopt rules to establish such a system, including an island license waiting list. Before establishing or amending the number of licenses available to island residents, the commissioner shall determine the number of licenses preferred by 2/3 of the Class I, Class II or Class III lobster and crab fishing license holders resident on the island. The commissioner may accept the preferences proposed by 2/3 of the license holders as reasonable and adopt those preferences or reject the preferences as unreasonable. The commissioner shall consult with the lobster management policy council for the lobster management zone in which the island is located before making the decision.

3. No longer resident. An individual who obtains a Class I, Class II or Class III lobster and crab fishing license through an island limited-entry zone program but who no longer wishes to maintain residency on the island is subject to the following requirements.

A. A person who held a Class I, Class II or Class III lobster and crab fishing license and maintained residency on the island for a period of not less than 5 years and who can document to the commissioner that the person harvested lobsters in each of the 5 years may end the person's residency on the island and fish elsewhere in the lobster management zone in which the island is located without going on a waiting list as established in section 6448.

B. A person who has maintained residency on the island for less than 5 years or who has maintained residency on the island for at least 5 years but cannot document to the commissioner that the person harvested lobsters in each of the 5 years may end the person's residency on the island and become eligible to fish elsewhere in the lobster management zone in which the island is located if that person complies with the waiting list requirement established in accordance with section 6448.

4. Rules. The commissioner shall adopt rules to implement the island limited-entry zone program. The rules must include a definition of residency on an island. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

The purpose of this bill is to protect the long-term viability of island lobster fishing communities by creating limited-entry zone programs for islands in the coastal waters with year-round communities.