



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1097

S.P. 379

In Senate, March 19, 2013

An Act To Allow the Sale of Incidentally Caught Lobsters

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HASKELL of Cumberland.

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

2 **Sec. 1. 12 MRSA §6421, sub-§4**, as amended by PL 2011, c. 5, §1, is further
3 amended to read:

4 **4. Exception.** A license is not required for a person:

5 A. To take or catch crabs with bare hands or hook and line; ~~or~~

6 B. Who is issued a commercial fishing license under section 6501 to take, possess
7 and sell crabs that have been taken as bycatch while using an otter trawl within the
8 exclusive economic zone as shown on the most recently published Federal
9 Government nautical chart. Crabs taken by otter trawl within the territorial waters
10 must be liberated alive immediately; or

11 C. Who is issued a commercial fishing license under section 6501 and is
12 participating in the federal northeast multispecies fishery under 50 Code of Federal
13 Regulations, Part 648 (2012) or successor regulations to take, possess and sell
14 lobsters that have been taken as bycatch with groundfish gear approved by the
15 commissioner from Lobster Management Area 3 as delineated under 50 Code of
16 Federal Regulations, Section 697.18(d) (2012). A lobster taken under this paragraph
17 must be landed in the City of Portland at a commercial exchange that auctions fresh
18 fish and seafood and must meet the requirements of sections 6431, 6436, 6438-A and
19 6441.

20 This paragraph is repealed September 1, 2016.

21 **Sec. 2. 12 MRSA §6432, sub-§1**, as amended by PL 2003, c. 520, §4, is further
22 amended to read:

23 **1. Conventional traps.** A person may not fish for or take lobster by any method
24 other than conventional lobster traps, as defined in rule, or from any platform other than a
25 vessel, except a person may take lobsters as bycatch pursuant to section 6421, subsection
26 4, paragraph C. A vessel does not include a dock.

27 **Sec. 3. 12 MRSA §6501, sub-§2**, as amended by PL 2001, c. 421, Pt. B, §25 and
28 affected by Pt. C, §1, is further amended to read:

29 **2. Licensed activity.** The holder of a commercial fishing license may fish for or
30 take fish or possess, ship, transport or sell fish that the holder has taken or take, possess
31 and sell lobsters pursuant to section 6421, subsection 4, paragraph C. The license
32 authorizes crew members aboard the licensee's boat when it is engaged in commercial
33 fishing to undertake these activities, if the license provides for crew members.

34 **Sec. 4. 12 MRSA §6952-A, sub-§3**, as amended by PL 2011, c. 266, Pt. A, §22,
35 is further amended to read:

36 **3. Exceptions; boats.** This section does not apply to:

37 A. A boat rigged for dragging, trawling, dredging or seining if all nets, drags and
38 dredges are removed from the boat; ~~or~~

