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An Act To Allow Family Members of an Island Community to Share a Lobster and Crab Fishing License

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

Sec. 1. 12 MRSA §6421, sub-§1, as amended by PL 2007, c. 201, §§4 and 5, is further amended to read:

1. License required. ~~A~~ Except as provided in section 6424, a person may not engage in the activities authorized under this section without a current:

- A. Class I lobster and crab fishing license;
- B. Class II lobster and crab fishing license;
- C. Class III lobster and crab fishing license;
- D. Apprentice lobster and crab fishing license;
- E. Student lobster and crab fishing license;
- F. Noncommercial lobster and crab fishing license;
- F-1. Nonresident lobster and crab landing permit; or
- G. Other license issued under this Part authorizing the activities.

Sec. 2. 12 MRSA §6421, sub-§2, as amended by PL 1995, c. 568, §1, is further amended to read:

2. Licensed activity. The holder of a Class I, Class II, Class III, apprentice or student lobster and crab fishing license or the family member of a license holder as provided in section 6424 may fish for, take, possess, ship or transport within the State lobsters or crabs and sell lobsters or crabs the license holder has taken. The license does not authorize the license holder to remove lobster meat from the shell or to take, possess, transport or ship lobster parts or meat. The holder of a Class II or Class III license is liable for the licensed activities under this subsection of all unlicensed crew members assisting that licensee.

Sec. 3. 12 MRSA §6421, sub-§5, as amended by PL 2007, c. 204, §1, is further amended to read:

5. Eligibility. A noncommercial or student lobster and crab fishing license may only be issued to an individual who is a resident. A Class I, Class II or Class III license may be issued to a person 17 years of age or older only if the person:

- A. Possessed a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year;

C. Meets the requirements of the apprentice program under section 6422 or section 6475; or

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.

Notwithstanding the age requirements of this subsection, a person who holds a Class I, Class II or Class III license on December 31, 2007 may continue to be issued a Class I, Class II or Class III license provided that person continues to meet the requirements of paragraph A. A person sharing a Class I, Class II or Class III commercial lobster and crab fishing license under section 6424 is not required to meet the requirements of this section to fish under that license.

Sec. 4. 12 MRSA §6424 is enacted to read:

§ 6424. Island resident; sharing lobster and crab license with family members

1. Definitions. For purposes of this section the following terms have the following meanings.

A. "Family member" means a spouse, brother, sister, nephew, niece, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, stepchild, stepparent, grandchild, grandparent or first cousin.

B. "Nonbridged island" means an island that is not connected to the mainland by a natural or artificial bridge that can reasonably be used for ground transportation between the mainland and the island.

C. "Permanent residence" means that place where an individual has a true, fixed and permanent home and principal establishment to which the individual, whenever absent, has the intention of returning. An individual may have only one permanent residence at a time and, once a permanent residence is established, that residence is presumed to continue until circumstances indicate otherwise.

D. "Permanent resident" means a person who has established a permanent residence on an island and resides at that residence for a majority of the year.

E. "Primary license holder" means a person who holds a Class I, Class II or Class III lobster and crab fishing license issued pursuant to section 6421.

2. Sharing a commercial lobster and crab fishing license. The holder of a current Class I, Class II or Class III lobster and crab fishing license issued pursuant to section 6421 who is a permanent resident on a nonbridged island may share that license with family members who are permanent residents of the same island or another nonbridged island within the same municipality. Except as otherwise provided, family members sharing a license are subject to the same privileges, restrictions and requirements as the primary license holder. Family members may fish under the shared license without completing the licensing requirements under section 6421, subsection 5, section 6422 and section

6475 and, notwithstanding section 6448, may fish in the same zone or zones in which the primary license holder is authorized to fish. Notwithstanding section 6431-E, subsection 2, the primary license holder is not required to be present on the boat of a family member fishing under that license.

3. Family member list. The primary license holder shall provide a list of family members who share that license to the department. A family member may not share that license unless that person's name appears on the family member list provided to the department by the primary license holder.

4. Eligibility. If the primary license holder no longer meets the requirements of subsection 2, family members may not continue to fish for lobster or crab under that license. A family member who is not a permanent resident on the nonbridged island or another nonbridged island within the same municipality on which the primary license holder is a permanent resident may not fish under that license.

5. Trap tag reduction. The maximum number of trap tags allowable under the primary license holder's license pursuant to section 6431-F is reduced by 20% for each family member fishing pursuant to that license. A family member may not be issued trap tags in addition to those available to the primary license holder. If the number of family members fishing under a primary license holder's license decreases, the maximum number of trap tags permitted under that license may not increase until 3 years after the primary license holder notifies the department of the reduction in family members using that license. In that event, the number of trap tags may only increase by 40 trap tags per year until the maximum number of trap tags allowable pursuant to section 6431-F is reached for the primary license holder's license.

6. Successor primary license holder. If the primary license holder is deceased or retires from commercially fishing for lobster and crab, a family member sharing that license must be named as the primary license holder within a reasonable amount of time or the license must be returned to the State.

Sec. 5. 12 MRSA §6431-E, sub-§2, as enacted by PL 1997, c. 693, §1 and affected by §3, is amended to read:

2. Owner or family member on board. Except as provided in subsection 3 and section 6424, ~~beginning January 1, 2000~~ a person who holds a Class I, Class II or Class III lobster and crab fishing license may not fish for or take lobsters from a vessel unless:

- A. The owner of that vessel is present on that vessel and holds a Class I, Class II or Class III lobster and crab fishing license; or
- B. A family member of the vessel owner under paragraph A is present on that vessel and holds a Class I, Class II or Class III lobster and crab fishing license.

SUMMARY

This bill allows the holder of a current Class I, Class II or Class III lobster and crab fishing license who is a permanent resident on an island not connected to the mainland by a bridge to share that license with family members who are permanent residents of the same island or another nonbridged island within the same municipality. A family member sharing the Class I, Class II or Class III lobster and crab fishing

license is subject to the same privileges and restrictions as the primary license holder. It provides that for each family member sharing a Class I, Class II or Class III lobster and crab fishing license, the number of trap tags the primary license holder is eligible to receive under that license is reduced by 20%. This bill also provides that, if the primary license holder is deceased or retires from commercially fishing for lobster and crab, a family member sharing the license must be named as the primary license holder or the license lapses back to the State.