

§6421. Lobster and crab fishing licenses

1. License required. A person may not engage in the activities authorized under this section without a current:

A. Class I lobster and crab fishing license; [PL 2003, c. 452, Pt. F, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Class II lobster and crab fishing license; [PL 2003, c. 452, Pt. F, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Class III lobster and crab fishing license; [PL 2003, c. 452, Pt. F, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. Apprentice lobster and crab fishing license; [PL 2003, c. 452, Pt. F, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

E. Student lobster and crab fishing license; [PL 2003, c. 452, Pt. F, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

F. Noncommercial lobster and crab fishing license; [PL 2007, c. 201, §4 (AMD).]

F-1. Nonresident lobster and crab landing permit; or [PL 2007, c. 201, §5 (NEW).]

G. Other license issued under this Part authorizing the activities. [PL 2003, c. 452, Pt. F, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2007, c. 201, §§4, 5 (AMD).]

2. Licensed activity. The holder of a Class I, Class II, Class III, apprentice or student lobster and crab fishing license 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.
[PL 1995, c. 568, §1 (AMD).]

2-A. Licensed activity; noncommercial license. The holder of a noncommercial lobster and crab fishing license may fish for, take, possess, ship or transport within the State lobsters or crabs the license holder has taken. The license does not authorize the license holder to sell lobsters or to remove lobster meat from the shell or to take, possess, transport or ship lobster parts or meat.
[PL 1995, c. 568, §1 (NEW).]

2-B. Licensed activity; nonresident lobster and crab landing permit. The holder of a nonresident lobster and crab landing permit may possess, transport and sell within the State lobsters or crabs the license holder has taken from outside Maine's territorial waters. The permit does not authorize the permit holder to remove lobster meat from the shell or to take, possess, transport or ship lobster parts or meat.
[PL 2007, c. 201, §6 (NEW).]

3. License limitation.
[PL 1989, c. 455, §2 (RP).]

3-A. License limitation. A license authorizes activities by individuals as follows.

A. A Class I license authorizes the licensed activities under subsection 2 by the individual who is named in the license. Any individual assisting or helping a Class I license holder in these activities must also be licensed. [PL 1995, c. 568, §1 (AMD).]

B. A Class II license authorizes the license holder to engage in the licensed activities under subsection 2. A Class II license holder may engage one unlicensed crew member to assist in the

licensed activities under the direct supervision of the Class II license holder, except as provided in section 6445-A. [PL 2013, c. 282, §3 (AMD).]

C. A Class III license authorizes the license holder to engage in the licensed activities under subsection 2. A Class III license holder may engage 4 unlicensed crew members to assist in the licensed activities under the direct supervision of the Class III license holder, except as provided in section 6445-A. [PL 2019, c. 259, §1 (AMD).]

D. An apprentice lobster and crab fishing license authorizes the apprentice so licensed to engage in the licensed activities under subsection 2 on that apprentice's sponsor's vessel when the apprentice's sponsor is on board the vessel. A person who holds an apprentice lobster and crab fishing license may not tend any traps unless the traps are fished by the sponsor of the apprentice so licensed. An applicant for an apprentice lobster and crab fishing license may designate up to 3 sponsors. For the purpose of this paragraph, "apprentice's sponsor" means a person who holds a Class I, Class II or Class III lobster and crab fishing license issued under this section. [PL 1999, c. 490, §1 (AMD).]

E. A student license authorizes the license holder to engage in the licensed activities under subsection 2. A student license may be issued only to a person who, at the time of application, is 8 years of age or older and under 23 years of age. Except as provided in section 6477, a person issued a student license may not submerge more than:

- (1) Ten lobster traps in the coastal waters of the State if the person is 8 years of age or older and under 11 years of age;
- (2) Fifty lobster traps in the coastal waters of the State if the person is 11 years of age or older and under 14 years of age; or
- (3) One hundred and fifty lobster traps in the coastal waters of the State if the person is 14 years of age or older and under 23 years of age.

A person issued a student license is enrolled in the apprentice program under section 6422. When applying for a license the person must designate a sponsor and may designate up to 3 sponsors. For the purposes of this paragraph, "sponsor" means a person who holds a Class I, Class II or Class III lobster and crab fishing license issued under this section. [PL 2019, c. 210, §1 (AMD).]

F. A noncommercial lobster and crab fishing license authorizes the license holder to engage in the licensed activities under subsection 2-A. A person issued a noncommercial lobster and crab fishing license may not submerge at any one time more than 5 lobster traps in the coastal waters of the State. At the time a noncommercial lobster and crab fishing license is issued or renewed, the applicant or license holder shall declare the vessel that will be used to conduct lobster and crab fishing activities under that license. The license holder's trap tags are allocated to that vessel, pursuant to the license. The department is not authorized to issue more than 10 noncommercial trap tags to the declared vessel, regardless of the number of noncommercial license holders fishing from that vessel. [PL 2003, c. 466, §1 (AMD); PL 2003, c. 466, §5 (AFF).]

[PL 2019, c. 210, §1 (AMD); PL 2019, c. 259, §1 (AMD).]

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

A. To take or catch crabs with bare hands or hook and line; or [PL 2009, c. 78, §1 (NEW).]

B. Who is issued a commercial fishing license under section 6501 to take, possess and sell crabs that have been taken as bycatch while using an otter trawl within the exclusive economic zone as shown on the most recently published Federal Government nautical chart. Crabs taken by otter trawl within the territorial waters must be liberated alive immediately. [PL 2009, c. 78, §1 (NEW).]

[PL 2011, c. 5, §1 (AMD).]

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; [PL 2009, c. 188, §2 (AMD); PL 2009, c. 188, §3 (AFF).]
- B. [PL 1997, c. 250, §2 (RP); PL 1997, c. 250, §10 (AFF).]
- C. Meets the requirements of the apprentice program under section 6422; or [PL 2011, c. 486, §1 (AMD).]
- 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. [RR 2001, c. 2, Pt. A, §15 (COR).]
- E. [PL 1997, c. 250, §4 (RP); PL 1997, c. 250, §10 (AFF).]
- F. [PL 1999, c. 658, §1 (RP).]
- G. [PL 1997, c. 250, §6 (RP); PL 1997, c. 250, §10 (AFF).]
- H. [PL 1999, c. 397, §3 (NEW); MRSA T. 12 §6421, sub-§5, ¶H (RP).]

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. [PL 2011, c. 486, §1 (AMD).]

5-A. Student lobster and crab fishing license eligibility. A student lobster and crab fishing license may be issued to a person who, at the time of application, is 8 years of age or older and under 23 years of age and who is:

- A. Attending a public day school in accordance with the attendance requirement of Title 20-A, section 5001-A, subsection 1; [PL 2015, c. 428, §1 (RPR).]
- B. Meeting the requirements of an alternative to attendance at a public day school in accordance with Title 20-A, section 5001-A, subsection 3; or [PL 2015, c. 428, §1 (RPR).]
- C. Enrolled in and meeting the requirements of a half-time course of study at a postsecondary institution accredited by a state-recognized accrediting agency or body. [PL 2015, c. 428, §1 (RPR).]

A person may not be considered to have ceased to be a student during any interim between school years if the interim does not exceed 6 months and if it is shown that the person has a bona fide intention of continuing to pursue a half-time course of study during the semester or other enrollment period immediately following the interim period. For purposes of this subsection, "half-time course of study" means at least 50% of the usual course load for the program in which the person is enrolled.

The commissioner may revoke a student lobster and crab fishing license of an individual who has ceased to meet the requirements of this subsection. [PL 2015, c. 428, §1 (RPR).]

5-B. Noncommercial lobster and crab fishing license eligibility. Beginning with license year 2003, a noncommercial lobster and crab fishing license may be issued only to a person who, at the time of application, is 8 years of age or older and has:

- A. Successfully completed a lobster and crab fishing written examination, as provided in section 6423; or [PL 2001, c. 581, §1 (NEW).]
- B. Held a Class I, Class II or Class III lobster and crab fishing license and has landed lobster under that license. [PL 2001, c. 581, §1 (NEW).]

Once a person successfully completes the examination, that person need not repeat the examination to renew the license.

[PL 2003, c. 468, §3 (AMD).]

5-C. Apprentice lobster and crab fishing license eligibility. An apprentice lobster and crab fishing license may be issued only to a person who, at the time of application, is 8 years of age or older. [PL 2003, c. 468, §4 (NEW).]

5-D. Nonresident lobster and crab landing permit eligibility. A nonresident lobster and crab landing permit may be issued only to an individual who:

A. Does not meet the resident provisions under section 6301, subsection 1; [PL 2007, c. 201, §7 (NEW).]

B. Possesses a valid federal lobster permit or a valid lobster fishing license from a state other than this State; [PL 2019, c. 225, §7 (AMD).]

C. Except as authorized under subsection 5-E, does not operate a lobster and crab fishing vessel with an established base of operations in this State; and [PL 2019, c. 225, §8 (AMD).]

D. [PL 2011, c. 266, Pt. A, §7 (RP).]

E. Has not had that individual's lobster fishing license or right to obtain a lobster fishing license suspended in this State or in another state. [PL 2019, c. 225, §9 (NEW).]

[PL 2019, c. 225, §§7-9 (AMD).]

5-E. Exception; nonresident lobster and crab landing permit with an established base of operations in State. An individual may be excepted from subsection 5-D, paragraph C as long as the individual submits documentation to the commissioner by December 31, 2011 that the individual operated a lobster and crab fishing vessel with an established base of operations in the State as a nonresident in calendar years 2010 and 2011. Documentation must include at a minimum proof of lobster landings at a Maine dealer, proof of utilization of a mooring or dock in a Maine harbor for a sufficient time to meet the requirements to be an established base of operations in this State pursuant to section 6001, subsection 13-I, proof that the individual possessed a valid federal lobster permit or a valid lobster fishing license from a state other than this State and proof that the individual did not meet the resident provisions under section 6301, subsection 1.

[PL 2011, c. 266, Pt. A, §8 (AMD).]

6. Buoy colors. Each license applicant must describe, on the application, a single color design of the applicant's buoys.

[PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 528, Pt. T, §1 (AMD); PL 1991, c. 591, Pt. T, §1 (AMD).]

7. Fee.

[PL 1989, c. 455, §2 (RP).]

7-A. Fee.

[PL 2017, c. 284, Pt. EEEEE, §2 (RP).]

7-B. License fee. The fee for a lobster and crab fishing license is:

A. For a resident Class I license for applicants under 18 years of age, \$60; [PL 2017, c. 320, §1 (AMD).]

B. For a resident Class I license for applicants 18 years of age or older and under 70 years of age, \$125.75; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

C. For a resident Class I license for applicants 70 years of age or older, \$61; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

- D. For a nonresident Class I license for applicants under 18 years of age, \$357; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- E. For a nonresident Class I license for applicants 18 years of age or older, \$730.75; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- F. For a resident Class II license for applicants under 70 years of age, \$252.50; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- G. For a nonresident Class II license, \$1,467.50; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- H. For a resident Class II license for applicants 70 years of age or older, \$126; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- I. For a resident Class III license for applicants under 70 years of age, \$377.25; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- J. For a resident Class III license for applicants 70 years of age or older, \$183; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- K. For a nonresident Class III license, \$2,189.25; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- L. For a resident apprentice lobster and crab fishing license for applicants under 18 years of age, \$60; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- M. For a resident apprentice lobster and crab fishing license for applicants 18 years of age or older, \$122; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- N. For a nonresident apprentice lobster and crab fishing license for applicants under 18 years of age, \$357; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- O. For a nonresident apprentice lobster and crab fishing license for applicants 18 years of age or older, \$725; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- P. For a student lobster and crab fishing license, \$60; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- Q. For a noncommercial lobster and crab fishing license, \$60, except as provided in subsection 7-D; and [PL 2019, c. 575, §1 (AMD).]
- R. For a nonresident lobster and crab landing permit, \$590.25. [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
[PL 2019, c. 575, §1 (AMD).]

7-C. License surcharge. In addition to the license fee established in subsection 7-B, the commissioner shall assess a surcharge on each license issued under this section as follows:

- A. For a resident Class I license for applicants under 18 years of age, resident Class I license for applicants 70 years of age or older, resident apprentice license for applicants under 18 years of age, resident apprentice license for applicants 70 years of age or older, student lobster and crab fishing license or noncommercial lobster and crab fishing license, \$5; [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]
- B. For a resident Class I license for applicants 18 years of age or older and under 70 years of age, resident Class II license for applicants 70 years of age or older or resident apprentice license for applicants 18 years of age or older, \$10; [PL 2017, c. 320, §2 (AMD).]
- C. For a resident Class II license for applicants under 70 years of age or resident Class III license for applicants 70 years of age or older, \$20; [PL 2017, c. 320, §2 (AMD).]
- D. For a resident Class III license for applicants under 70 years of age, nonresident Class I license for applicants under 18 years of age or nonresident apprentice license for applicants under 18 years of age, \$30; [PL 2017, c. 320, §2 (AMD).]

E. For a nonresident Class I license for applicants 18 years of age or older or nonresident apprentice license for applicants 18 years of age or older, \$60; [PL 2017, c. 320, §2 (AMD).]

F. For a nonresident Class II license, \$120; and [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

G. For a nonresident Class III license, \$180. [PL 2017, c. 284, Pt. EEEEE, §3 (NEW).]

The surcharge fees collected under this subsection must be deposited in the Lobster Fund established under section 6451.

[PL 2017, c. 320, §2 (AMD).]

7-D. Qualified resident disabled veteran; fee waived. Notwithstanding subsection 7-B, there is no fee for a noncommercial lobster and crab fishing license issued to a qualified resident disabled veteran. For the purposes of this subsection, "qualified resident disabled veteran" means a person who:

A. Was honorably discharged from the Armed Forces of the United States, the National Guard or the Reserves of the United States Armed Forces; [PL 2019, c. 575, §2 (NEW).]

B. Has a service-connected disability evaluated at 50% or more; and [PL 2019, c. 575, §2 (NEW).]

C. Is a resident of the State. [PL 2019, c. 575, §2 (NEW).]

In order to receive a noncommercial lobster and crab fishing license at no cost, an applicant must provide satisfactory evidence that the applicant is a qualified resident disabled veteran.

[PL 2019, c. 575, §2 (NEW).]

8. Exception.

[PL 2017, c. 284, Pt. EEEEE, §4 (RP).]

9. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

[PL 2001, c. 421, Pt. B, §21 (NEW); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1977, c. 713, §4 (AMD). PL 1979, c. 205 (AMD). PL 1981, c. 480, §§1,15,16 (AMD). PL 1983, c. 824, §K3 (AMD). PL 1985, c. 243 (AMD). PL 1985, c. 379, §1 (AMD). PL 1989, c. 455, §2 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §T1 (AMD). PL 1991, c. 591, §T1 (AMD). PL 1991, c. 617, §§1,2 (AMD). PL 1993, c. 499, §§2,3 (AMD). PL 1995, c. 468, §3 (AMD). PL 1995, c. 568, §1 (AMD). PL 1997, c. 250, §§1-6 (AMD). PL 1997, c. 250, §10 (AFF). PL 1997, c. 574, §1 (AMD). RR 1999, c. 1, §16 (COR). PL 1999, c. 330, §§1,2 (AMD). PL 1999, c. 397, §§1-3 (AMD). PL 1999, c. 490, §1 (AMD). PL 1999, c. 643, §3 (AMD). PL 1999, c. 658, §1 (AMD). PL 1999, c. 790, §B1 (AMD). RR 2001, c. 2, §§A14,15 (COR). PL 2001, c. 421, §§B19-21 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2001, c. 581, §1 (AMD). PL 2003, c. 20, §WW2 (AMD). PL 2003, c. 452, §F8 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 466, §1 (AMD). PL 2003, c. 466, §5 (AFF). PL 2003, c. 468, §§1-4 (AMD). PL 2005, c. 239, §1 (AMD). PL 2005, c. 354, §§1,2 (AMD). PL 2007, c. 138, §1 (AMD). PL 2007, c. 201, §§4-11 (AMD). PL 2007, c. 204, §1 (AMD). PL 2007, c. 219, §1 (AMD). PL 2007, c. 615, §9 (AMD). PL 2009, c. 188, §2 (AMD). PL 2009, c. 78, §1 (AMD). PL 2009, c. 188, §3 (AFF). PL 2009, c. 213, Pt. G, §§2,3 (AMD). PL 2011, c. 5, §1 (AMD). PL 2011, c. 266, Pt. A, §§5-8 (AMD). PL 2011, c. 486, §1 (AMD). PL 2013, c. 282, §3 (AMD). PL 2015, c. 68, §3 (AMD). PL 2015, c. 428, §1 (AMD). PL 2017, c. 284, Pt. EEEEE, §§2-4 (AMD). PL 2017, c. 320, §§1, 2 (AMD). PL 2007, c. 204, §1 (AMD). PL 2019, c. 210, §1 (AMD). PL 2019, c. 225, §§7-9 (AMD). PL 2019, c. 259, §1 (AMD). PL 2019, c. 575, §§1, 2 (AMD).

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