Bill as Introduced

SB 328- AS INTRODUCED

2000 SESSION

00-2631
10/09

SENATE BILL ***328***

AN ACT making corrections to statutory references in certain fish and game laws and adding a rulemaking provision.

SPONSORS: Sen. Disnard, Dist 8; Rep. Abbott, Rock 19

COMMITTEE: Wildlife and Recreation

ANALYSIS

This bill corrects certain references to licensing provisions in the fish and game laws and adds a rulemaking provision on helper's licenses relative to lobster traps.

This bill is a request of the fish and game department.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2631
10/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT making corrections to statutory references in certain fish and game laws and adding a rulemaking provision.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Helper's License; Lobster Trap Limits; Rulemaking Added. Amend RSA 211:20 to read as follows:

211:20 Helper's License. Any person licensed under the provisions of RSA 211:18 may get a helper's license which entitles [~~him~~] ***the person*** to have the help of a person in the taking of lobsters or crabs. The helper's license may be transferred to any one helper employed by the licensee, but may not be transferred to a person who previously had a lobster license which is under suspension. A helper may assist, set, or haul pots or traps or any other device used in the taking of lobsters and crabs only in the presence of and aboard the boat of a person licensed under the provisions of RSA 211:18, and who holds a valid helper's license. The fee for a helper's license is $10. ***The executive director shall adopt rules pursuant to RSA 541-A relative to the terms and restrictions of a helper's license to comply with lobster trap limits established under the Atlantic States Marine Fisheries Commission management plan for American lobster relative to reduced fishing effort.***

2 Lobster Meat; References Changed. Amend RSA 211:38 to read as follows:

211:38 Lobster Meat. No person shall sell lobster meat which has not been processed and sealed within containers which do not require refrigeration without first procuring a license to do so. The executive director shall issue such license for a period of one calendar year pursuant to the provisions of RSA 211:39 [~~and RSA 211:39-a~~], ***RSA 211:49-aa, and RSA 211:49-c***. The license shall expire on December 31 of each year.

3 Wildlife Habitat Stamp; Reference Added. Amend RSA 214:1-f, I to read as follows:

I. No person shall at any time take wild animals or wild birds in this state without first procuring, in addition to any applicable licenses required by title XVIII, a wildlife habitat stamp or license under RSA 214:9, XV, for the same period. If a stamp is issued it shall be signed across the face in a permanent manner with the applicant's signature and shall be carried upon such person while engaged in taking wild animals or wild birds. A person under the age of 16 years may take wild animals or wild birds without such a stamp or license provided that, while so doing, the person is accompanied by an adult who has procured such stamp or license. This paragraph shall not apply to any person who takes wild animals or wild birds under a complimentary license, excluding any

administrative fee, issued pursuant to ***RSA 214:3,*** RSA 214:7-a, RSA 214:13, RSA 214:13-b, or RSA 214:13-c, or a lifetime license issued pursuant to RSA 214:9-c that was purchased in a prior calendar year.

4 Fisheries Habitat Fee; Reference Corrected. Amend RSA 214:1-g, I to read as follows:

I. A one dollar fisheries habitat fee shall be required to be paid by all persons 16 years of age or older, in addition to each applicable fishing or combination license required by Title XVIII, in order to take fish in the fresh waters of this state. This paragraph shall not apply to any person who takes fish under a complimentary license, excluding any administrative fee, issued pursuant to RSA 214:3, RSA 214:7-a, RSA 214:13, RSA 214:13-b, or RSA 214:13-c, or a lifetime license issued pursuant to [~~RSA 214:19-e~~] ***RSA 214:9-c*** that was purchased in a prior calendar year.

5 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

Date: February 2, 2000
Time: 2:30 p.m.
Room: 101 LOB

The Senate Committee on Wildlife Recreation held a hearing on the following:

SB 328 (New Title) making corrections to statutory references in certain fish and game laws.

Members of Committee present: Senator Disnard
Senator Eaton
Senator Krueger
Senator Wheeler

The Chair, Senator George F. Disnard, opened the hearing.

Senator George F. Disnard, D. 8: We are opening the hearing on SB 328, an act, *making corrections to statutory references in certain fish and game laws and having a rule making provision.*

I'd like to call on the bill's cosponsor, Dennis Abbot, please.

Rep. Dennis Abbot: Good afternoon Mr. Chairman. Good afternoon members of the Committee, Senator Eaton, a new face.

I thank Senator Disnard for being the prime sponsor of this bill because I was late in getting it to the house and had gone by our filing period and Sen. Disnard was kind enough to allow me to submit this in his name in behalf of the Fish and Game Department. And since it was initially submitted we've added some things to the bill because we didn't have another place to put some suggested changes regarding lobster fishing and lobster meat.

So maybe quickly I'll go through the text of the bill. There's actually four parts to the bill. The helpers license starts at the bottom of page one **211:20 Helper's License.** As you see that we're requesting that ***The executive director shall adopt rules pursuant to RSA 541-A relative to the terms***

and restrictions of a helpers license to comply with lobster trap limits established under the Atlantic States Marine Fisheries Commission management plan for American lobster relative to reduced fishing effort.

I am also a commissioner with the Atlantic States Marine Fisheries Commission and what we've done in the Commission, cooperatively with all the states is we're in the process of reducing the number of traps that lobster fishermen are able to use. In New Hampshire in their infinite wisdom, the Legislature, correct me if I'm wrong, last year or the year before, we passed the bill in which the state of New Hampshire instituted a two tier lobster license. We have lobster licenses where a commercial fisherman can fish 1200 traps and we have a limited commercial license which allows those folks to fish 600. This comes up with a conservation equivalency we felt of 800 traps or so that the Atlantic States has dictated that all the states will comply with. I believe the State of Massachusetts has 800. They do have an 800 trap limit. And the state of Maine is going to an 800 trap limit if they are not there this year.

This has caused some consternation amongst our neighboring states because they feel that commercial fishermen in the State of New Hampshire, remember we've only go a 17 mile coast line, that we're able to, some of our fishermen are able to fish 1200 traps where in the neighboring states they are restricted to 800 traps.. So they don't like this on the surface of it. But we did meet the conservation equivalency requirement and we are exercising as much conservation as our surrounding states.

And probably the state of Maine, if you get right down to it, they would like to have it. The reason we're, we went to this two tiered system is there were fishermen that were out there that were fishing 1800 to 2000 traps and they weren't happy about going down in numbers. Well other people, if we just had a limit of 800 or 1000 would be able to increase their numbers. We'd end up with more traps in the water and the commercial fishermen that had taken the effort to fish more would be, they felt, disadvantaged. So the two tier lobster bill that we passed was a good thing.

So now the reason we need this we could avoid the possibility of me being a lobster fisherman and hiring Commissioner White in the back, sitting in back of me, as my helper and maybe having a limited commercial license and being able to fish 600 and I'm able to fish 12000. So the bill effectively would be allowed to fish 1800. So the Department is trying to insure that they manage the numbers of traps in the water and how the law is being (inaudible)

The second part of the bill under lobster meat just briefly, is, it strikes an RSA 211:39. It's been replaced by two new sections which are in law now but there was no references to them. And this regards handling of lobster meat by non-resident wholesalers and resident wholesalers.

The third part of the bill , part of the reason I was probably the sponsor of the bill, was I was sponsor of the wildlife habitat stamp and when we passed the bill we didn't make any reference to RSA 214:3 which is another bill that I was involved in, providing members of the armed forces free hunting and fishing licenses.

And in Section 4, so this would exempt them, from meeting the wildlife habitat stamp. And also on the bottom, the fisheries habitat stamp, we didn't make reference to lifetime licenses.

So we are doing 4 quick things on a generally housekeeping bill where...

We are trying to control the amount of traps in the water. We're picking up the business with the wholesalers of lobster meat and also references to members of the armed forces and also lifetime licenses. And that's what I have to offer you today. And I think you for the opportunity of appearing here.

Senator George F. Disnard, D. 8: Thank you for making the bill much easier for even me to understand. I appreciate it.

Questions? Senator.

Senator Katherine W. Wheeler, D. 21: Thank you Mr. Chair. Representative Abbot, I understood the first three parts and just, would you just tell me about the fourth part, the lifetime part.

Rep. Dennis Abbot: The lifetime licenses. They are not required to purchase every year a habitat stamp.

Senator Katherine W. Wheeler, D. 21: So it exempts the people who have lifetime licenses from an annual purchase of a habitat stamp.

Rep. Dennis Abbott: That's correct.

Senator George F. Disnard, D. 8: Further questions? Thank you for your courtesy.

Sandra Falicon, please.

Sandra Falicon: Good afternoon Mr. Chairman, members of the Committee. For the record my name is Sandra Falicon. What I think I will do is submit my testimony because the cosponsor of the bill did an excellent job explaining everything and this would be totally redundant to read it. I have copies for the Committee

(See Attachment A)

Senator George F. Disnard, D. 8: I have no objections. Do any members of the Committee have any questions?

We'd like to have one to read them and any for the other members who are not here.

Anyone who has signed up to speak has spoken in favor. No opposition to these corrections as was outlined by the cosponsor Rep. Abbott.

Is there anyone here who wishes to speak who has not signed up. Everyone who has had an opportunity to speak as so desired. We will now close the hearing on SB 328.

The hearing on SB 328 was closed at 3:38 p.m.

This verbatim transcript respectfully submitted by
Jennifer Ruffing, Senate Secretary for Wildlife and Recreation.

Speakers

SENATE WILDLIFE & RECREATION COMMITTEE

Date February 2, 2000 Time 2:30 p.m. Public Hearing on **SB 328**

Appearing in **FAVOR**: *(Please print)* ***Please check box at left to speak.***

Speaking?	*Name*	*Address*	*Representing*
☒	REP DENNIS F ABBOTT	ROCK 19	(CO-SPONSOR)
☒	Sandra Faliicon	Fish and Game Dept	
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Appearing in **OPPOSITION**: *(Please Print)* ***Please check box at left to speak.***

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Testimony

New Hampshire
Fish and Game Department

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TDD Access: Relay NH 1-800-735-2964
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Wayne E. Vetter
Executive Director

Fish and Game Testimony on SB 328
relative to making corrections to statutory references
in certain fish and game laws and adding a rulemaking provision

Good afternoon, Mr. Chairman, members of the Committee. For the record my name is Sandra Falicon, Legislative and Rules Coordinator for the Fish and Game Department. I am here today in support of Senate Bill 328. These amendments were at the request of the Department. Most of the changes are corrections to statutory references with the exception of section 1 which would grant rulemaking authority to the executive director relative to lobster helper' licenses under RSA 211:20.

Lobster is managed through the Atlantic States Marine Fisheries Commission (ASMFC) under the fishery management plan for lobster. Under the Atlantic Coastal Fisheries Cooperative Management Act, each state is required to be in compliance with these plans. Last year, legislation was passed legislation to institute a 2-tiered commercial license system. Full time commercial lobstermen can fish 1200 traps while limited commercial lobstermen can fish 600 traps. ASMFC has approved this combination as a conservation equivalency for the mandated 800 trap limit. Section 1 is an effort to ensure compliance with these restrictions by giving the executive director the flexibility of rulemaking to establish rules relative to lobster helper's licenses. It is critical for our full time commercial fisherman to maintain the 1200 trap limit. Rules would allow us to close an existing loophole that presently allows 2 license holders on one vessel to fish 1200-1800 traps. This will maintain our conservation equivalency while keeping NH in compliance with the lobster fishery management plan.

Sections 2 and 3 make corrections to statutory references in several of the Fish and Game laws. RSA 211:38 relative to lobster meat updates the statutory references and RSA 214:1-f and –g to reference the same statutes so that both habitat stamps are exempted for the same licenses.

Thank you for the opportunity to speak on SB 328 this afternoon.

Committee Report

Date: Februar 2, 2000 Time: 2:30 p.m.

The Senate Committee on Wildlife Recreation held its hearing in Room Room 101, LOB, Concord, New Hampshire.

BILL NO.: SB 328 TITLE: (New Title) making corrections to statutory references in certain fish and game laws.

Members of the Committee present: Senator Disnard
Senator Eaton
Senator Krueger
Senator Wheeler

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☒ Ought to Pass
- ☐ Ought to Pass w/ Amendment
- ☐ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Wildlife Recreation

to which was referred Senate Bill 328

AN ACT making corrections to statutory references in certain fish and game laws and adding a rulemaking provision.

VOTE: 4-0

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator George F. Disnard
For the Committee