

Bill as
Introduced

HB 259-FN - AS INTRODUCED

2013 SESSION

13-0718

10/03

HOUSE BILL **259-FN**

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving.

SPONSORS: Rep. Duarte, Rock 2; Rep. Tamburello, Rock 5; Rep. Rappaport, Coos 1; Rep. Pitre, Straf 2; Rep. Renzullo, Hills 37; Sen. Reagan, Dist 17; Sen. Boutin, Dist 16

COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill allows the fish and game department to issue special scuba diver lobster licenses for noncommercial taking of lobsters while engaged in recreational scuba diving.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving.

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

1 1 Lobster Licenses; Recreational Licenses. Amend RSA 211:18, III(a) to read as follows:

2 (a) If a person is a resident of this state and does not take lobsters or crabs for the
3 purpose of sale and does not use more than 5 traps, the person may receive a recreational lobster and
4 crab license. ***A person receiving a recreational lobster and crab license may not also receive***
5 ***the scuba diver lobster license under paragraph III-c.***

6 2 New Paragraph; Special Scuba Diver Lobster License. Amend RSA 211:18 by inserting after
7 paragraph III-b the following new paragraph:

8 III-c.(a) For a \$35 fee, a person who wishes to engage in scuba diving as a recreational
9 activity and not for the purpose of commerce, and who is in compliance with RSA 270:31 through
10 270:32-a, and has attained 18 years of age, shall be permitted to take lobsters under a special scuba
11 diver lobster license issued by the executive director. The executive director shall make available a
12 number of scuba diver lobster licenses that is equivalent to the number of recreational lobster and
13 crab licenses available each calendar year under subparagraph III(a).

14 (b) The scuba diver lobster license shall be valid for the month of September only.

15 (c) The license shall consist of letters and/or numbers which the person engaged in scuba
16 diving shall affix to his or her diving tanks and regulation dive flag in a contrasting color making it
17 readily visible to a conservation officer.

18 (d) The number of lobsters taken per day by a scuba diver holding an license under this
19 paragraph shall not exceed 5 per licensee and shall be taken only for the consumption by the
20 licensee, and the licensee's family and guests. No person shall at any time take any lobsters by any
21 method except by hand. Use of a tickle stick, which is a straight or slightly bent stick used to agitate
22 a lobster into coming out of its hole, shall be permitted.

23 (e) All lobsters taken under a scuba diver lobster license shall be of legal size, as
24 provided by RSA 211:62 and in accordance with RSA 211:27, measured immediately upon capture on
25 the seafloor before surfacing. An equipped scuba diver shall not have in his or her possession more
26 than 5 lobsters at any time.

27 (f) The scuba diver lobster license may not be transferred to any other person.

28 (g) Annual catch reports shall be required of all scuba diver lobster license holders at the
29 time of renewal or, if not renewing license, at year end. Annual catch information, in a format
30 determined by the executive director, shall be required of all divers before renewal application will
31 be accepted.

1 (h) The executive director shall adopt rules for the issuance of the license under this
2 paragraph, and rules governing the sex and size of lobsters allowed to be taken under this paragraph
3 provided such rules conform with requirements applicable to recreational and commercial lobster
4 license holders.

5 3 Effective Date. This act shall take effect January 1, 2014.

LBAO
13-0718
01/14/13

HB 259-FN - FISCAL NOTE

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving.

FISCAL IMPACT:

The New Hampshire Fish and Game Department states this bill, as introduced, will increase state restricted revenue by an indeterminable amount in FY 2014 and each year thereafter. There will be no fiscal impact on state, county, and local expenditures, or county and local revenue.

METHODOLOGY:

The Fish and Game Department states this bill creates a new \$35 license for the noncommercial taking of lobsters while scuba diving. The bill states the number of scuba diver lobster licenses available each year shall be equal to the number of recreational lobster and crab licenses available each year. The Department states the number of recreational lobster and crab licenses is currently unlimited, so there is no cap on the number of scuba diver lobster licenses that may be issued. The Department states it is unable to estimate how many licenses might be sold. Revenue from the licenses would be deposited into the Fish and Game Fund. The Department states the bill may result in an increased workload for Department employees, should it create conflicts with commercial and recreational trap lobsterman that require covert law enforcement time to observe and/or apprehend violators. As this work would be performed by existing personnel, it would represent no additional cost to the Department. However, existing duties the employees perform may be postponed or curtailed as a result of the additional duties necessitated by the bill.

HB 259-FN - AS AMENDED BY THE HOUSE

6Mar2013... 0386h

2013 SESSION

13-0718
10/03

HOUSE BILL

259-FN

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving.

SPONSORS: Rep. Duarte, Rock 2; Rep. Tamburello, Rock 5; Rep. Rappaport, Coos 1; Rep. Pitre, Straf 2; Rep. Renzullo, Hills 37; Sen. Reagan, Dist 17; Sen. Boutin, Dist 16

COMMITTEE: Fish and Game and Marine Resources

AMENDED ANALYSIS

This bill allows the fish and game department to issue special scuba diver lobster licenses for noncommercial taking of lobsters while engaged in recreational scuba diving. The authority to issue the special scuba diver lobster licenses is repealed January 1, 2016.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving.

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

1 1 Lobster Licenses; Recreational Licenses. Amend RSA 211:18, III(a) to read as follows:

2 (a) If a person is a resident of this state and does not take lobsters or crabs for the
3 purpose of sale and does not use more than 5 traps, the person may receive a recreational lobster and
4 crab license. *A person receiving a recreational lobster and crab license may not also receive*
5 *the scuba diver lobster license under paragraph III-c.*

6 2 New Paragraph; Special Scuba Diver Lobster License. Amend RSA 211:18 by inserting after
7 paragraph III-b the following new paragraph:

8 III-c.(a) For a \$35 fee, a person who wishes to engage in scuba diving as a recreational
9 activity and not for the purpose of commerce, and who is in compliance with RSA 270:31 through
10 270:32-a, and has attained 18 years of age, shall be permitted to take lobsters under a special scuba
11 diver lobster license issued by the executive director. The executive director shall make available a
12 number of scuba diver lobster licenses that is equivalent to the number of recreational lobster and
13 crab licenses available each calendar year under subparagraph III(a).

14 (b) The scuba diver lobster license shall be valid for the month of September only.

15 (c) The license shall consist of letters and/or numbers which the person engaged in scuba
16 diving shall affix to his or her diving tanks and regulation dive flag in a contrasting color making it
17 readily visible to a conservation officer.

18 (d) The number of lobsters taken per day by a scuba diver holding an license under this
19 paragraph shall not exceed 5 per licensee and shall be taken only for the consumption by the
20 licensee, and the licensee's family and guests. No person shall at any time take any lobsters by any
21 method except by hand. Use of a tickle stick, which is a straight or slightly bent stick used to agitate
22 a lobster into coming out of its hole, shall be permitted.

23 (e) All lobsters taken under a scuba diver lobster license shall be of legal size, as
24 provided by RSA 211:62 and in accordance with RSA 211:27, measured immediately upon capture on
25 the seafloor before surfacing. An equipped scuba diver shall not have in his or her possession more
26 than 5 lobsters at any time.

27 (f) The scuba diver lobster license may not be transferred to any other person.

28 (g) Annual catch reports shall be required of all scuba diver lobster license holders at the
29 time of renewal or, if not renewing license, at year end. Annual catch information, in a format

1 determined by the executive director, shall be required of all divers before renewal application will
2 be accepted.

3 (h) The executive director shall adopt rules for the issuance of the license under this
4 paragraph, and rules governing the sex and size of lobsters allowed to be taken under this paragraph
5 provided such rules conform with requirements applicable to recreational and commercial lobster
6 license holders.

7 3 Scuba Diver Lobster License Removed; 2016. Amend RSA 211:18, III(a) to read as follows:

8 (a) If a person is a resident of this state and does not take lobsters or crabs for the
9 purpose of sale and does not use more than 5 traps, the person may receive a recreational lobster and
10 crab license. [~~A person receiving a recreational lobster and crab license may not also receive the
11 scuba diver lobster license under paragraph III-e.]~~

12 4 Repeal; 2016. RSA 211:18, III-c, relative to special scuba diver lobster licenses, is repealed.

13 5 Effective Date.

14 I. Sections 3 and 4 of this act shall take effect January 1, 2016.

15 II. The remainder of this act shall take effect January 1, 2014.

HB 259-FN - FISCAL NOTE

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving.

FISCAL IMPACT:

The New Hampshire Fish and Game Department states this bill, as introduced, will increase state restricted revenue by an indeterminable amount in FY 2014 and each year thereafter. There will be no fiscal impact on state, county, and local expenditures, or county and local revenue.

METHODOLOGY:

The Fish and Game Department states this bill creates a new \$35 license for the noncommercial taking of lobsters while scuba diving. The bill states the number of scuba diver lobster licenses available each year shall be equal to the number of recreational lobster and crab licenses available each year. The Department states the number of recreational lobster and crab licenses is currently unlimited, so there is no cap on the number of scuba diver lobster licenses that may be issued. The Department states it is unable to estimate how many licenses might be sold. Revenue from the licenses would be deposited into the Fish and Game Fund. The Department states the bill may result in an increased workload for Department employees, should it create conflicts with commercial and recreational trap lobsterman that require covert law enforcement time to observe and/or apprehend violators. As this work would be performed by existing personnel, it would represent no additional cost to the Department. However, existing duties the employees perform may be postponed or curtailed as a result of the additional duties necessitated by the bill.

Amendments

Rep. Duarte, Rock. 2
February 14, 2013
2013-0386h
10/01

Amendment to HB 259-FN

1 Amend the bill by replacing all after section 2 with the following:

2
3 3 Scuba Diver Lobster License Removed; 2016. Amend RSA 211:18, III(a) to read as follows:

4 (a) If a person is a resident of this state and does not take lobsters or crabs for the
5 purpose of sale and does not use more than 5 traps, the person may receive a recreational lobster and
6 crab license. [~~A person receiving a recreational lobster and crab license may not also receive the~~
7 ~~scuba diver lobster license under paragraph III c.~~]

8 4 Repeal; 2016. RSA 211:18, III-c, relative to special scuba diver lobster licenses, is repealed.

9 5 Effective Date.

10 I. Sections 3 and 4 of this act shall take effect January 1, 2016.

11 II. The remainder of this act shall take effect January 1, 2014.

Amendment to HB 259-FN

- Page 2 -

2013-0386h

AMENDED ANALYSIS

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Speakers

Hearing Minutes

HOUSE COMMITTEE ON FISH AND GAME AND MARINE RESOURCES

PUBLIC HEARING ON HB 259-FN

BILL TITLE: relative to special licenses for taking lobster while engaged in recreational scuba diving.

DATE: February 7, 2013

LOB ROOM: 305 & 307 **Time Public Hearing Called to Order:** 2:45 p.m.

Time Adjourned:

(please circle if present)

Committee Members: Reps. Lefebvre, R. M. Rogers, Ward, Kaen, Carroll, Michael Garcia, G. Katsiantonis, Manley, Dobson, Burdwood, Ketel, Reed, Burt, McCarthy, J. Webb, Sanders, Duarte, McKinney, Tamburello and Kidder.

Bill Sponsors: Rep. Duarte, Rock 2; Rep. Tamburello, Rock 5; Rep. Rappaport, Coos 1; Rep. Pitre, Straf 2; Rep. Renzullo, Hills 37; Sen. Reagan, Dist 17; Sen. Boutin, Dist 16

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Duarte, Sponsor – Supports

Rep. Tamburello, Sponsor – Supports

Rep. Damon H. Frampton – Opposed
Other states have enforcement issues.

Joshua Ford, NHCFA – Opposed
Unenforceable

Chesley Severence III, NHCFA – Opposed
Enforceability issue 2.65/lb.

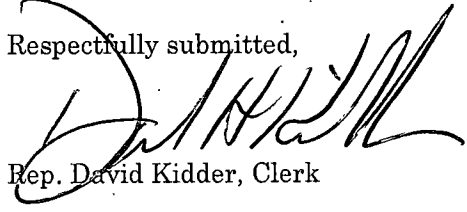
***Eric Anderson, NHCFA – Opposed**
Enforcement issue, if in a boat 2 types of 6 licenses and no way to tell who got how many. Safety issues as well. Fisherman are protecting their resource.

Doug Grout, NH Fish & Game – Opposed
Fish & Game against it. 1) enforcement 2) safety 3) environmental issues

Captain John Wimsatt, NH Fish & Game – Opposed
Against, entrapment issues

Greg Hill, Northfield NH – Mass 18/day. Lobster are nocturnal. Season May- Sept. Had good rebuttals.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Kidder". The signature is written in a cursive, somewhat stylized font with a large initial "D".

Rep. David Kidder, Clerk

HOUSE COMMITTEE ON FISH AND GAME AND MARINE RESOURCES

PUBLIC HEARING ON HB 259-FN

BILL TITLE: relative to special licenses for taking lobster while engaged in recreational scuba diving.

DATE: February 7, 2013

LOB ROOM: 305 & 307 Time Public Hearing Called to Order: 1:00 p.m. 2:45

Time Adjourned:

(please circle if present)

Committee Members: Reps. Lefebvre, R. M. Rogers, Ward, Kaen, Carroll, Michael Garcia, G. Katsiantonis, Manley, Dobson, Burdwood, Ketel, Reed, Burt, McCarthy, J. Webb, Sanders, Duarte, McKinney, Tamburello and Kidder.

Bill Sponsors: Rep. Duarte, Rock 2; Rep. Tamburello, Rock 5; Rep. Rappaport, Coos 1; Rep. Pitre, Straf 2; Rep. Renzullo, Hills 37; Sen. Reagan, Dist 17; Sen. Boutin, Dist 16

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

~~against~~ Rep Duarte ①
 for Rep Tamburello ②
 against Damon Fermyton ③ - other states have enforcement issues
 against Joshua Ford - unenforceable ④
 against Chesley ⑤ Severance III - enforceability issue
 2.45/16
 Eric Anderson - enforcement issue, if it's about 2 types of license and no way to tell who got how many. Safety issues as well. Fishermen are protecting their resource
 Doug Grant ⑥ F&G Commission against it.
 1. Enforcement
 2. Safety
 3. Environmental issues
 8 Capt Wimsatt - F&G - 2-4 00's
 over

again Enforcement issues.

For Greg Hill - mass. 18 day. Lobster are nocturnal. Swim May - Sept
had good results.

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB259-FN

BILL TITLE: relative to special licenses for taking lobster while engaged in recreational scuba diving.

DATE: March 14, 2013

LOB ROOM: 202 **Time Public Hearing Called to Order:** 9:05 AM

Time Adjourned: 9:38 am

(please circle if present)

Committee Members: Reps. Almy, Lovejoy, Cooney, Davis, Butynski, J. Kelley, Shattuck, Young, Ames, Karrick, Schamberg, Major, R. Ober, Ulery, Sanborn, Hess, Abrami, Griffin, Azarian and Sapareto.

Bill Sponsors: Rep. Duarte, Rock 2; Rep. Tamburello, Rock 5; Rep. Rappaport, Coos1; Rep. Pitre, Straf 2; Rep. Renzullo, Hills 37; Sen. Reagan, Dist 17; Sen. Boutin, Dist 16

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. J. Duarte , Prime Sponsor – Supports the bill ... habitat is destroyed more with a recreational pot as compared to a diver ... have \$2,000 fine and up to a year in jail relative to enforcement ... NH is one of only two states not allowing lobster taking by divers ... no fee for divers in MA but can get 15 lobsters per day ... in NH propose \$35 fee for divers for 30 days for five lobsters ... two year trial period ... likely maximum of divers in NH is 300 ... \$35 fee is just for NH residents, but NH residency may not be in bill language although may be in rules to be developed.

***Glenn Normandeau, Director, NH Fish and Game** – opposes the bill; also has a commercial lobster license; bill is opposed by commercial fishermen and lobstermen in NH ... do not know revenue amount that would be generated, and there would be enforcement costs ... fee is comparable to that for a five pot recreational license ... Fish and Game Commission opposes this bill ... believes law would cause conflicts and require extra time and costs for Fish and Game officers ... expect enforcement costs would begin in low thousands and then increase over time ... do not believe fee in bill would cover the costs of enforcement ... \$50 might cover the costs initially ... see handout testimony.

Respectfully submitted,



Rep. William Butynski, Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB259-FN

BILL TITLE: relative to special licenses for taking lobster while engaged in recreational scuba diving.

DATE: 3/14/13

LOB ROOM: 202 Time Public Hearing Called to Order: 9:05 AM

Time Adjourned: 9:38 AM

(please circle if present)

Committee Members: Reps. Almy, Lovejoy, Cooney, Davis, Butynski, J. Kelley, Shattuck, Young, Ames, Karrick, Schamberg, Major, R. Ober, Ulery, Sanborn, Hess, Abrami, Griffin, Azarian and Sapareto.

Bill Sponsors: Rep. Duarte, Rock 2; Rep. Tamburello, Rock 5; Rep. Rappaport, Coos 1; Rep. Pitre, Straf 2; Rep. Renzullo, Hills 37; Sen. Reagan, Dist 17; Sen. Boutin, Dist 16

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Duarte, Prime Sponsor - Support the bill... habitats destroyed more with a recreational spot as compared to a diver... have \$2,000 fine and up to a year in jail relative to enforcement... NH is one of only two states not allowing lobster taking by divers... no fee for divers in MA but can get 15 lobsters during... in NH propose \$25 fee for divers for 30 days... time year trial period... likely maximum of divers in NH is 300... \$35 fee is just for NH residents, but NH residents may not be in bill language although may be in rules to be developed
* Glenn Normandeau, Director, NH Fish and Game - oppose the bill, also have a commercial lobster license, bill is opposed by commercial fishermen and lobstermen in NH... do not know revenue amount that would be generated and there would be enforcement costs... fee is comparable to that for a 5 pot recreational license... Fish and Game Commission opposes this bill... believe law would cause conflicts and require extra time and costs for Fish and Game officers... extra enforcement costs would be at least thousands and there increase over time... do not believe fees in bill would cover the costs of enforcement... \$50 might cover the costs initially... see Handout of testimony.

Sub-Committee Actions

HOUSE COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE WORK SESSION ON HB 259-FN

BILL TITLE: relative to special licenses for taking lobster while engaged in recreational scuba diving.

DATE: March 19, 2013

Subcommittee Members: Reps. Lovejoy, Abrami, Davis, and Young

Comments and Recommendations:

Amendments:

Sponsor: Rep. Lovejoy	OLS Document #:	2013	0973h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Shamburg

Seconded by Rep. Davis

Vote: 5-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Lovejoy
Subcommittee Chairman/Clerk

NWD
amendment

HOUSE COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE WORK SESSION ON HB259-FN

BILL TITLE: relative to special licenses for taking lobster while engaged in recreational scuba diving.

DATE: 3-19-13

Subcommittee Members: Reps. Lovejoy, Abrami, ~~Griffin~~, ~~Ugry~~, Davis, ~~Green~~, Young

Comments and Recommendations:

Amendments:

Sponsor: Rep. Lovejoy	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Schamburg
Seconded by Rep. Davis
Vote: 5-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

Pat Lovejoy

Rep. Lovejoy, Rock. 36
March 18, 2013
2013-0973h
10/04

Amendment to HB 259-FN

1 Amend RSA 211:18, III-c (a) as inserted by section 2 of the bill by replacing it with the following:

2

3 III-c.(a) For a \$35 fee, a resident who wishes to engage in scuba diving as a recreational
4 activity and not for the purpose of commerce, and who is in compliance with RSA 270:31 through
5 270:32-a, and has attained 18 years of age, shall be permitted to take lobsters under a special scuba
6 diver lobster license issued by the executive director. The executive director shall make available a
7 number of scuba diver lobster licenses that is equivalent to the number of recreational lobster and
8 crab licenses available each calendar year under subparagraph III(a).

Testimony

New Hampshire Commercial Fishermen's Association

**P.O. Box 601
Rye, NH 03870**

Submitted to: House Fish & Game and Marine Resources Committee

January 7, 2013

Re: HB 259 - FN – In Opposition

Dear Mr. Chairman and Committee Members,

My name is Erik Anderson and my testimony today is acting in behalf as president of the New Hampshire Commercial Fishermen's Association and as active commercial fishermen in the State of New Hampshire. We have monitored past legislative efforts to allow the taking of lobsters by means of diving and we have attended all house hearings for HB 259 that is currently in front of you. To date this legislation has not been constructed in a manner that represents the honest concerns that we have brought to the table for discussion past and present so we remain in opposition of the bill.

To be specific:

ENFORCEMENT

- 1) The bill presents challenges beyond the ability of NH Fish & Game field officers to enforce. The fact that these officers would now be responsible for performing diving duties to monitor the activities and compliance of recreational divers that are taking lobsters is not the most beneficial use of their time with limited manpower and resources in the variety of enforcement activities they diligently perform.**
- 2) They would also be limited in performing any investigations or compliance boardings (under the terms of reasonable cause versus probable cause) because as currently written this legislation would allow two different type of license holders to be present on the same vessel at the same time and not allow officers to distinguish between the possession limits of the two different licenses.**

SAFETY

- 1) From the perspective of a lobster fishermen safety is an enormous issue that is not attended in a manner or consideration in this legislation. Allowing the harvesting of lobsters to take place in the same area by two different types of harvesting methods (traps & diving) presents a most likely possibility that an accident of some nature will occur. The focus of a lobsterman hauling his traps is dedicated to safely hauling and setting of his gear. Trying to monitor the activity of a diver that could be in the same proximity of his activity is near impossible let alone very dangerous to the diver that could become entangled in the line or a variety of unfortunate scenarios that could development. Passing HB 259 would open the door to some type of unfortunate incident to occur resulting in possibilities of injury or even death. Hind**

sight is always 20 /20 but to ignore this matter at this time in consideration of this bill would be irresponsible from the real safety issues and concerns that the lobster fishing community has identified.

The State of New Hampshire through NH Fish & Game has done an admirable job to allow all its citizens access to its lobster resource through the current licensing structure. With that opportunity it has remained consistent in the use of traps as the most practicable means of harvesting from a biological and enforcement purpose. It is the intent of this testimony to expose the unattended issues and likely negative consequences of HB 259 in a manner of honesty and transparency that every piece of legislation deserves.

As a note to previous testimony on the house side, there is no rational or credit to the fact that because the Commonwealth of Massachusetts allows divers to take lobsters that New Hampshire should follow suit as has been heard in other public hearings.

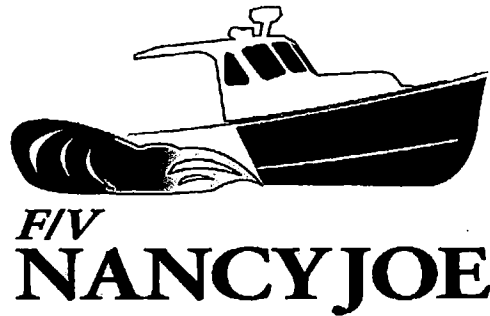
For the record as you may be aware HB 259 was been reviewed and opposed by

- 1) NH Fish & Game,
- 2) NH Fish & Game Commission,
- 3) The State of NH Advisory Committee on Marine Fisheries
- 4) The New Hampshire Commercial Fishermen's Association

Sincerely,

Erik Anderson, Pres.

New Hampshire Commercial Fishermen's Association



Jason Lemos
17 Random Road
Rye, NH 03870

Dear House Fish & Game Committee,

I am third generation commercial lobsterman and I strongly oppose this proposed bill to create a license and allow the taking of lobsters by recreational divers. We already have a strapped NH Fish and Game force and this would be extremely difficult to enforce on their end. This would also be an increase in effort to our lobster fishery which we do not need. We all are doing our best to survive in these hard economic times and I oppose divers just being enabled to scoop lobsters off of our ocean floor. The diving and taking of lobsters is not a means of supporting the lobster fishery in any way. I hope you will help in voting to kill this bill from proceeding forward.

Regards,

Jason Lemos

A handwritten signature in cursive script that reads 'Jason Lemos'.



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3421
FAX (603) 271-1438

www.WildNH.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2964

New Hampshire Fish and Game Department Testimony in Opposition of HB 259

House Fish and Game and Marine Resources Committee February 7, 2013

Good morning Mr. Chairman and members of the Committee. For the record, my name is Doug Grout, Chief of Marine Fisheries for the Fish and Game Department. The Fish and Game Commission voted to oppose HB 259 relative to special licenses for taking lobster while engaged in recreational scuba diving.

New Hampshire's lobster fishery is the state's most valuable commercial fishery contributing more than \$12 million annually in revenues to the more than 350 licensed commercial harvesters. Certain economic models suggest the overall contribution to New Hampshire's economy is likely 3 to 4 times that amount or roughly 60-80 million dollars. As such, this is a highly regulated fishery with a variety of laws and rules designed to maintain a healthy lobster resource and a robust fishery. According to the most recent stock assessment, the lobster population in the Gulf of Maine is currently not overfished and has healthy abundance levels.

Every resident of New Hampshire can purchase a license to harvest lobsters in the State including recreational harvesters via the open access 5 trap license. This legislation is not about providing access to a user group that has been denied access to the resource. Currently, New Hampshire law requires that all harvesters of lobsters in our state waters, both recreational and commercial, use the same method of harvest - the lobster trap.

The Department has four major concerns about the effects of HB259: various enforcement concerns, damage to the lobsters from handling, degradation of marine habitat and the increase in user conflicts.

From an enforcement perspective, the activity of taking lobsters via SCUBA diving presents an immense challenge for law enforcement. Even now, there are reported conflicts between lobster harvesters and SCUBA divers if the divers are anywhere in the vicinity of lobster traps. Complaints that SCUBA divers are "Poaching my traps" require considerable amounts of covert law enforcement time to observe and apprehend the violators. However, the current law prohibiting the possession of lobsters by a diver has been a sufficient deterrent to poaching traps in most instances. The deterrent effect of the current law would no longer be in force during the open season for taking lobsters by diving, and the ease in which lobsters of legal size could be found in lobster traps, which select for legal sized lobsters, might prove too enticing for some divers. If this legislation is signed into law, the best evidence for a successful prosecution would be to observe the divers actually taking lobsters from the traps, which would require a Conservation Officer to be diving in the immediate area and observe the illegal activity. In effect this would make prosecution of a diver taking a lobster from someone's trap nearly impossible.

Secondly, we are also concerned about the effect this method of capture may have on the lobsters themselves. While trap fishing is a passive form of capture (i.e. lobsters crawl into the baited traps on

REGION 1
629B Main Street
Lancaster, NH 03584-3612
(603) 788-3164
FAX (603) 788-4823
email: reg1@wildlife.nh.gov

REGION 2
PO Box 417
New Hampton, NH 03256
(603) 744-5470
FAX (603) 744-6302
email: reg2@wildlife.nh.gov

REGION 3
225 Main Street
Durham, NH 03824-4732
(603) 868-1095
FAX (603) 868-3305
email: reg3@wildlife.nh.gov

REGION 4
15 Ash Brook Court
Keene, NH 03431
(603) 352-9669
FAX (603) 352-8798
email: reg4@wildlife.nh.gov

their own), capture via SCUBA diving is an active form that involves grabbing and often times chasing a fleeing lobster to capture it. A lobster will sometimes shed one or both claws during this active form of capture in an attempt to escape. SCUBA divers will encounter and handle numerous short (undersized) lobsters for each legal size lobsters they encounter, and while lobsters will eventually regenerate the lost claws, the cumulative short-term loss could be significant. In addition, newly molted soft shell lobsters hide under rocks for several weeks until their shells have hardened and would be vulnerable to this kind of handling. A newly molted lobsters body is literally soft as Jell-O and when handled could sustain severe or life threatening damage to its internal organs.

Next, we are concerned about the negative effect that this method of harvest would have on the near shore habitat. Lobsters spend most of their time burrowed underneath rocks, in eelgrass beds, or burrowed in mud holes. These habitats are home to not just lobsters but numerous species of marine invertebrates and plants that form the foundation to the marine ecosystem. To capture lobsters, divers would need to turn over numerous rocks on every dive damaging or killing marine life that is attached to the top of them and/or rummage through areas of eelgrass beds disrupting there fragile root system. The cumulative effect of several hundred licensed divers making even just one lobster dive per year along our short coastline would be significant.

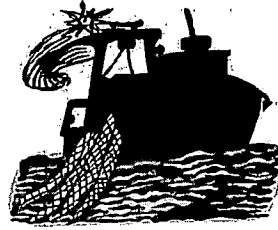
In contrast, the lobster trap is a passive capture devise and several rules have been implemented regarding trap construction that minimize their impact on the lobster resource and their habitat. For example, all traps are required to have runners that raise the trap off the ocean floor and minimize the impact on marine habitat as the traps are being hauled by lobster harvesters. In addition, the traps are required to have escape vents to permit escapement of juvenile, undersized lobsters as well as biodegradable escape panels that allow adult lobsters to get out of the traps after a period of time if they are lost due storms or other reasons.

Finally, I would like to provide some insight as to why we feel it is important for New Hampshire to continue to limit lobster harvest to traps only, while our states to the south allow harvest by other methods including SCUBA diving. In addition, to the reasons previously mentioned relative to law enforcement, the lobster resource and marine habitat, New Hampshire is unique in having by far the smallest coastline in the US. This results in a higher potential for conflicts between the many users of the marine resources in our short coastline. So the challenge with such a short coastline has always been to provide access to the state's marine resources while maintaining healthy populations of fish, lobster, shellfish and their habitat. The Fish and Game Department has worked with past legislatures to pass laws that seek to accomplish this balance including limiting the harvest of certain shellfish to residents only and prohibiting the use of mobile fishing gear such as otter trawls in state waters. Limiting the harvest of lobsters to traps is also a management measure that seeks to maintain that balance in our short coastline.

In conclusion, we want to emphasize that people can currently harvest lobsters recreationally in New Hampshire via the 5 trap license and this is an open system available to any resident. The Department believes the current system of harvesting lobsters via traps only provides a uniform enforcement opportunity while trying to provide balanced access to the resource.

The State's Advisory Committee on Marine Fisheries also opposes the legislation.

Thank you for the opportunity to testify today and the Department urges the Committee to vote HB 259 inexpedient to legislate.



January 24, 2013

Glenn Normandeau
Executive Director
NH Fish and Game Department
11 Hazen Drive
Concord, NH 03301

Dear Glenn:

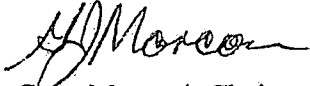
The Advisory Committee on Marine Fisheries (ACMF) met in January of this year and reviewed several legislative proposals relative to marine resources including Fish and Game Department sponsored legislation for a shrimp license and HB 259 that would permit the take of lobsters via scuba diving.

The Advisory Committee voted to oppose HB 259. The Committee has consistently opposed legislation to allow lobster harvest via scuba diving because of enforcement concerns, the damage this active form of harvest would have on lobsters via the loss of claws and handling of soft shell lobsters, and the negative impact to the underwater coastal habitat.

The ACMF also voted to support legislation developed by the Fish and Game Department which would establish a license to take, possess, land or transport northern shrimp. This legislation would give the Executive Director of the Fish and Game Department the authority to establish the number of these licenses issued as well as eligibility criteria for the license through the rule making process. Recent increases in the number of commercial fishermen who fish for shrimp has resulted in the Atlantic States Marine Fisheries Commission's Northern Shrimp Section to begin development of management action that would limit the number of participants in this fishery in order to reduce the potential for overfishing the shrimp population.

Currently, New Hampshire is the only state that does not have a specific license to harvest shrimp and without this type of license it would be impossible to limit the number of participants in the shrimp fishery.

Sincerely,

A handwritten signature in cursive script, appearing to read "Geno Marconi".

Geno Marconi, Chairman
Advisory Committee on Marine Fisheries

Cc: Tom Hubert, Chair of Fish and Game Commission
Doug Grout, Chief of Marine Fisheries

OFFICE OF LEGISLATIVE SERVICES
RESEARCH DIVISION - ROOM 112
603-271-3326

Memo

To: Honorable Joe Duarte

From: Myla A. Padden, Research Director

Date: February 4, 2013

Re: Recreational Lobster Licenses for Scuba Divers

In preparation for your upcoming hearing on HB 259, relative to special licenses for taking lobster while engaged in recreational scuba diving, you asked me to determine if other states along the eastern seaboard allow recreational scuba divers to take lobsters under specific statutory or regulatory guidelines.

During a conversation with an official at the New Hampshire Fish and Game Department, I was informed that for direct comparison purposes, I should review state laws as far south as New Jersey. Any law or regulation from a state south of New Jersey that allows for recreational scuba diving for lobsters would be referencing spiny lobsters, not the American lobsters we have in the more northern coastal waters.

As we discussed earlier, in addition to New Hampshire, Maine does not offer a recreational scuba license for the taking of lobster.

The following states authorize the taking of lobsters by recreational scuba divers, provided the lobsters are not sold or offered for sale:

Connecticut: The fee for a license to take lobsters for personal use, but not for sale by skin diving, scuba diving or by hand is \$120.00. Divers are allowed to take as many lobsters by hand as they are able. The state

does not have a closed season.

Delaware: The fee for an annual state fishing license is \$8.50. Any individual diver is allowed to catch, by hand, up to 2 lobsters per day and is prohibited from offering the lobsters for sale.

Massachusetts: An individual skin or scuba diver may purchase a \$40.00 residential lobster/crab permit and take up to 15 lobsters per day.

New York: Under the no-fee recreational marine fishing program, lobsters may be taken only by lobster pots, traps, otter trawls or similar devices, or by skin diving, including the use of self-contained underwater breathing apparatus (SCUBA), or by hand. A daily limit of 6 is imposed under the state salt water fishing regulations.

Rhode Island: A scuba diver, who holds a \$40.00 recreational lobster license, is authorized to take no more than eight (8) lobsters in any one day, provided they do not sell or offer the lobsters for sale.

I have attached the laws from the above states for your review. Your hearing is at 1:00 so if you have any questions or need additional information; I can address them tomorrow morning.

In the meantime, I hope to have been of some assistance.

*allow diver
 harvest
 source
 lobster*

*allow diver
 harvest
 source
 lobster*

*N. Carolina
 S. Carolina
 Fla.*

New Jersey

3/14/13 - HB 259 - NH Fish and Game



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3421
FAX (603) 271-1438

www.WildNH.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2964

New Hampshire Fish and Game Department Testimony in Opposition of HB 259

House Ways and Means Committee March 14, 2013

Good morning Madam Chair and members of the Committee. For the record, my name is Glenn Normandeau, Executive Director for the Fish and Game Department. The Fish and Game Commission voted to oppose HB 259 relative to special licenses for taking lobster while engaged in recreational scuba diving.

New Hampshire's lobster fishery is the state's most valuable commercial fishery contributing more than \$12 million annually in revenues to the more than 350 licensed commercial harvesters. Certain economic models suggest the overall contribution to New Hampshire's economy is likely 3 to 4 times that amount or roughly 60-80 million dollars. As such, this is a highly regulated fishery with a variety of laws and rules designed to maintain a healthy lobster resource and a robust fishery. According to the most recent stock assessment, the lobster population in the Gulf of Maine is currently not overfished and has healthy abundance levels.

Every resident of New Hampshire can purchase a license to harvest lobsters in the State including recreational harvesters via the open access 5 trap license. This legislation is not about providing access to a user group that has been denied access to the resource. Currently, New Hampshire law requires that all harvesters of lobsters in our state waters, both recreational and commercial, use the same method of harvest - the lobster trap.

The Department has four major concerns about the effects of HB259: various enforcement concerns, damage to the lobsters from handling, degradation of marine habitat and the increase in user conflicts.

From an enforcement perspective, the activity of taking lobsters via SCUBA diving presents an immense challenge for law enforcement. Even now, there are reported conflicts between lobster harvesters and SCUBA divers if the divers are anywhere in the vicinity of lobster traps. Complaints that SCUBA divers are "Poaching my traps" require considerable amounts of covert law enforcement time to observe and apprehend the violators. However, the current law prohibiting the possession of lobsters by a diver has been a sufficient deterrent to poaching traps in most instances. The deterrent effect of the current law would no longer be in force during the open season for taking lobsters by diving, and the ease in which lobsters of legal size could be found in lobster traps, which select for legal sized lobsters, might prove too enticing for some divers. If this legislation is signed into law, the best evidence for a successful prosecution would be to observe the divers actually taking lobsters from the traps, which would require a Conservation Officer to be diving in the immediate area and observe the illegal activity. In effect this would make prosecution of a diver taking a lobster from someone's trap nearly impossible.

Secondly, we are also concerned about the effect this method of capture may have on the lobsters themselves. While trap fishing is a passive form of capture (i.e. lobsters crawl into the baited traps on

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email: reg2@wildlife.nh.gov

REGION 3
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Durham, NH 03824-4732
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email: reg3@wildlife.nh.gov

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FAX (603) 352-8798
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their own), capture via SCUBA diving is an active form that involves grabbing and often times chasing a fleeing lobster to capture it. A lobster will sometimes shed one or both claws during this active form of capture in an attempt to escape. SCUBA divers will encounter and handle numerous short (undersized) lobsters for each legal size lobsters they encounter, and while lobsters will eventually regenerate the lost claws, the cumulative short-term loss could be significant. In addition, newly molted soft shell lobsters hide under rocks for several weeks until their shells have hardened and would be vulnerable to this kind of handling. A newly molted lobsters body is literally soft as Jell-O and when handled could sustain severe or life threatening damage to its internal organs.

Next, we are concerned about the negative effect that this method of harvest would have on the near shore habitat. Lobsters spend most of their time burrowed underneath rocks, in eelgrass beds, or burrowed in mud holes. These habitats are home to not just lobsters but numerous species of marine invertebrates and plants that form the foundation to the marine ecosystem. To capture lobsters, divers would need to turn over numerous rocks on every dive damaging or killing marine life that is attached to the top of them and/or rummage through areas of eelgrass beds disrupting there fragile root system. The cumulative effect of several hundred licensed divers making even just one lobster dive per year along our short coastline would be significant.

In contrast, the lobster trap is a passive capture devise and several rules have been implemented regarding trap construction that minimize their impact on the lobster resource and their habitat. For example, all traps are required to have runners that raise the trap off the ocean floor and minimize the impact on marine habitat as the traps are being hauled by lobster harvesters. In addition, the traps are required to have escape vents to permit escapement of juvenile, undersized lobsters as well as biodegradable escape panels that allow adult lobsters to get out of the traps after a period of time if they are lost due storms or other reasons.

Finally, I would like to provide some insight as to why we feel it is important for New Hampshire to continue to limit lobster harvest to traps only, while our states to the south allow harvest by other methods including SCUBA diving. In addition, to the reasons previously mentioned relative to law enforcement, the lobster resource and marine habitat, New Hampshire is unique in having by far the smallest coastline in the US. This results in a higher potential for conflicts between the many users of the marine resources in our short coastline. So the challenge with such a short coastline has always been to provide access to the state's marine resources while maintaining healthy populations of fish, lobster, shellfish and their habitat. The Fish and Game Department has worked with past legislatures to pass laws that seek to accomplish this balance including limiting the harvest of certain shellfish to residents only and prohibiting the use of mobile fishing gear such as otter trawls in state waters. Limiting the harvest of lobsters to traps is also a management measure that seeks to maintain that balance in our short coastline.

In conclusion, we want to emphasize that people can currently harvest lobsters recreationally in New Hampshire via the 5 trap license and this is an open system available to any resident. The Department believes the current system of harvesting lobsters via traps only provides a uniform enforcement opportunity while trying to provide balanced access to the resource.

The State's Advisory Committee on Marine Fisheries also opposes the legislation.

Thank you for the opportunity to testify today and the Department urges the Committee to vote HB 259 inexpedient to legislate.

Voting Sheets

HOUSE COMMITTEE ON FISH AND GAME AND MARINE RESOURCES

EXECUTIVE SESSION on HB 259-FN

BILL TITLE: relative to special licenses for taking lobster while engaged in recreational scuba diving.

DATE: February 14, 2013

LOB ROOM: 307

Amendments:

Sponsor: Rep. Duarte OLS Document #: 2013 0386h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Burt

Seconded by Rep. Duarte

Vote: 8-6 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. David H. Kidder, Clerk

HOUSE COMMITTEE ON FISH AND GAME AND MARINE RESOURCES

EXECUTIVE SESSION on HB 259-FN

BILL TITLE: relative to special licenses for taking lobster while engaged in recreational scuba diving.

DATE: 2/14/13

LOB ROOM: 307

Amendments:

Sponsor: Rep. *Dvante*

OLS Document #: 2013-386h

Sponsor: Rep.

OLS Document #: *Pass 8-6*

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Brot*

Seconded by Rep. *Dvante*

Vote: (Please attach record of roll call vote.) *8-6 OTP/A*

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

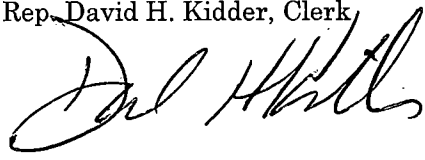
CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. David H. Kidder, Clerk





2013 SESSION

FISH AND GAME AND MARINE RESOURCES

Bill #: 259 Title: paying of lobster by scuba diving

PH Date: 1/1/1 Exec Session Date: 21/1/2013

Motion: OTP - Amendment Amendment #: 2013 0386h OTP

(1)

MEMBER	YEAS	NAYS
✓ Lefebvre, Benjamin P, Chairman	✓	
✓ Rogers, Rose Marie , V Chairman		✓
✓ Ward, Kenneth J		✓
✓ Kaen, Naida L	✓	
Katsiantonis, George		
Burdwood, Greg		
✓ Carroll, Douglas L	✓	
Dobson, Jeremy S		
✓ Garcia, Michael A		✓
Ketel, Stephen M		✓
✓ Manley, Jonathan F		✓
✓ Reed, Dennis ,	✓	
✓ McKinney, Betsy ,		✓
✓ Sanders, Elisabeth N		
McCarthy, Michael J	✓	
✓ Kidder, David H, Clerk	✓	
✓ Duarte, Joe ,	✓	
✓ Webb, James C	✓	
✓ Burt, John A		
Tamburello, Daniel J		
TOTAL VOTE:	8	6



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2013 9:27:52 AM
Roll Call Committee Registers
Report

2013 SESSION

FISH AND GAME AND MARINE RESOURCES

Bill #: 259 Title: lobster

PH Date: 1/1 Exec Session Date: 21 14 13

Motion: OTPA/A Amendment #: _____

MEMBER

5 YEAS OTPA/A

NAYS

MEMBER	YEAS	NAYS
Lefebvre, Benjamin P, Chairman	✓	
Rogers, Rose Marie , V Chairman	✓	
Ward, Kenneth J		✓
Kaen, Naida L	✓	
Katsiantonis, George		
Burdwood, Greg		
Carroll, Douglas L	✓	
Dobson, Jeremy S		
Garcia, Michael A		✓
Ketel, Stephen M		✓
Manley, Jonathan F		✓
Reed, Dennis ,		✓
McKinney, Betsy ,		✓
Sanders, Elisabeth N		
McCarthy, Michael J		
Kidder, David H, Clerk	✓	
Duarte, Joe ,	✓	
Webb, James C	✓	
Burt, John A	✓	
Tamburello, Daniel J		
TOTAL VOTE:		

8 - 6

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB259-FN

BILL TITLE: relative to special licenses for taking lobster while engaged in recreational scuba diving.

DATE: March 19, 2013

LOB ROOM: 202

Amendments:

Sponsor: Rep. Lovejoy OLS Document #: 2013 0973h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

On Amendment #2013-0973h

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Abrami

Seconded by Rep. Ober

Vote: 18-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Abrami

Seconded by Rep. Ober

Vote: 18-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 18-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. William Butynski, Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB259-FN

BILL TITLE: relative to special licenses for taking lobster while engaged in recreational scuba diving.

DATE: 3/19/13

LOB ROOM: 202

Amendments:

Sponsor: Rep. Lovejoy OLS Document #: 2013-0973(h)
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP ~~OTP/A~~, ITL, Retained (Please circle one.)
an Amendment to 2013-0973(h)

Moved by Rep. Abramia

Seconded by Rep. Ober

Vote: 18 to 0 (Please attach record of roll call vote.)

Motions: OTP OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Abramia

Seconded by Rep. Ober

Vote: 18 to 0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: CONSENT OK

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. William Butynski, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2013 11:00:11 AM
Roll Call Committee Registers
Report

2013 SESSION

WAYS AND MEANS

Bill #: 259-FW Title: relative to special licenses for testing laboratories

PH Date: 3, 14, 13 Exec Session Date: 3, 19, 13

Motion: OTP/A by Abrami + Ober Amendment #: 0992 (by)

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Lovejoy, Patricia T, V Chairman	✓	
Butynski, William, Clerk	✓	
Davis, Frank W	✓	
Shattuck, Gilman C	✓	
Kelley, John D	✓	
Cooney, Mary R	✓	
Ames, Richard	✓	
Karrick, David B	✓	
Schamberg, Thomas C	✓	
Young, Harry L	✓	
Major, Norman E, ABSENT		
Griffin, Mary E	✓	
Hess, David W <i>Replacement</i>	✓	
Sapareto, Frank V ABSENT		
Ulery, Jordan G	✓	
Ober, Russell T,	✓	
Abrami, Patrick F	✓	
Azarian, Gary S <i>Flanagan</i>	✓	
Sanborn, Laurie J	✓	
TOTAL VOTE:	18	0



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2013 11:00:11 AM
Roll Call Committee Registers
Report

2013 SESSION

WAYS AND MEANS

Bill #: 259-FN Title: spec license for taking lobster while in sea scuba diving
PH Date: 3/14/13 Exec Session Date: 3/19/13
Motion: OTP with amendment by Abram and Ober Amendment #: 2013-0973 (H)

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Lovejoy, Patricia T, V Chairman	✓	
Butynski, William, Clerk	✓	
Davis, Frank W	✓	
Shattuck, Gilman C	✓	
Kelley, John D	✓	
Cooney, Mary R	✓	
Ames, Richard	✓	
Karrick, David B	✓	
Schamberg, Thomas C	✓	
Young, Harry L	✓	
Major, Norman L, ABSENT		
Griffin, Mary E	✓	
Hess, David W <i>Rappaport</i>	✓	
Sapareto, Frank V ABSENT		
Ulery, Jordan G	✓	
Ober, Russell T,	✓	
Abrami, Patrick F	✓	
Azarian, Gary S <i>Flanagan</i>	✓	
Sanborn, Laurie J	✓	
TOTAL VOTE:	18	0

Committee Report

REGULAR CALENDAR

February 19, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on FISH AND GAME AND MARINE

RESOURCES to which was referred HB259-FN,

**AN ACT relative to special licenses for taking lobster
while engaged in recreational scuba diving. Having
considered the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.**

Rep. John A Burt

FOR THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

Committee:	FISH AND GAME AND MARINE RESOURCES
Bill Number:	HB259-FN
Title:	relative to special licenses for taking lobster while engaged in recreational scuba diving.
Date:	February 19, 2013
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This same bill passed F&G last year unanimously (bipartisan) and passed on consent before heading to the Senate. This bill provides license availability, on a 2 year pilot program basis, to certified scuba divers for the taking of legally-sized lobster during the month of September ONLY. The majority of the committee felt that all residents, including divers, should have access to a state resource. The pilot program will allow data to be collected that will prove invaluable to conservation in managing this resource. No testimony was heard that indicated that the diver's limited access would affect the lobster population density in a recognizable fashion. If passed, we would join every other state on the East Coast (except Maine) to allow scuba diving for lobster.

Vote 8-6.

Rep. John A Burt
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

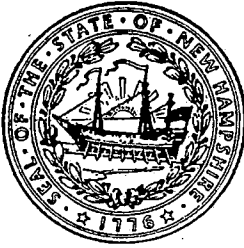
REGULAR CALENDAR

FISH AND GAME AND MARINE RESOURCES

HB259-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving.
OUGHT TO PASS WITH AMENDMENT.

Rep. John A Burt for FISH AND GAME AND MARINE RESOURCES. This same bill passed F&G last year unanimously (bipartisan) and passed on consent before heading to the Senate. This bill provides license availability, on a 2 year pilot program basis, to certified scuba divers for the taking of legally-sized lobster during the month of September ONLY. The majority of the committee felt that all residents, including divers, should have access to a state resource. The pilot program will allow data to be collected that will prove invaluable to conservation in managing this resource. No testimony was heard that indicated that the diver's limited access would affect the lobster population density in a recognizable fashion. If passed, we would join every other state on the East Coast (except Maine) to allow scuba diving for lobster. **Vote 8-6.**

Original: House Clerk
Cc: Committee Bill File



Blurb HB 259-FN

2013 Session

2/14/13

Rep. John A. Burt for the Majority Fish and Game and Marine Resources:

This same bill passed F&G last year unanimously (bipartisan) and passed on consent before heading to the Senate. This bill provides license availability, on a 2 year pilot program basis, to certified scuba divers for the taking of legally-sized lobster during the month of September ONLY. The majority of the committee felt that all residents, including divers, should have access to a state resource. The pilot program will allow data to be collected that will prove invaluable to conservation in managing this resource. No testimony was heard that indicated that the diver's limited access would affect the lobster population density in a recognizable fashion. If passed, we would join every other state on the East Coast (except Maine) to allow scuba diving for lobster. Vote 8-6

Sincerely,

NH Representative
John A. Burt

John A. Burt
NH State Representative
7 Bay Street
Goffstown, NH 03045
Tel: 603-624-5084
Cell: 603-289-0792

Fish and Game and
Marine Resources:
Room 307, LOB

COMMITTEE REPORT

COMMITTEE: Fish and Game

BILL NUMBER: HB 259-FN

TITLE: Relative to special licenses for taking
lobster while engaged in recreational scuba diving.

DATE: 2-14-13 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
 OUGHT TO PASS W/ AMENDMENT
 INEXPEDIENT TO LEGISLATE
 INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
2013-0386h

STATEMENT OF INTENT:

See e-mail

COMMITTEE VOTE: 8 / 6
Yea Nay

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. [Signature]
For the Committee

CONSENT CALENDAR

March 20, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on WAYS AND MEANS to which was referred HB259-FN,

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving. Having considered the same, report the same with the following amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.

Rep. Patrick F Abrami

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	WAYS AND MEANS
Bill Number:	HB259-FN
Title:	relative to special licenses for taking lobster while engaged in recreational scuba diving.
Date:	March 20, 2013
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill sets the fee for scuba divers, who are residents of NH, take no more than five lobsters per day, during the month of September, at \$35. The committee felt that this fee, which is at the same level as a recreational lobster and crab license which limits the number of recreational traps to five, to be reasonable.

Vote 18-0.

Rep. Patrick F Abrami
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

WAYS AND MEANS

HB259-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving.
OUGHT TO PASS WITH AMENDMENT.

Rep. Patrick F Abrami for WAYS AND MEANS. This bill sets the fee for scuba divers, who are residents of NH, take no more than five lobsters per day, during the month of September, at \$35. The committee felt that this fee, which is at the same level as a recreational lobster and crab license which limits the number of recreational traps to five, to be reasonable. **Vote 18-0.**

COMMITTEE REPORT

COMMITTEE: Way, Means Committee

BILL NUMBER: HB 259

TITLE: Relates to special license for taking lobster while engaged in recreational scuba

DATE: 3/19/13 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. <u>2013-0973h</u>

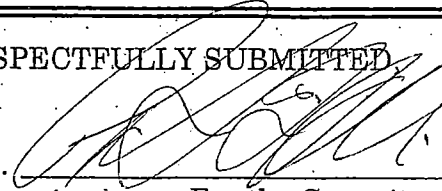
STATEMENT OF INTENT:

see
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COMMITTEE VOTE: 12-0

RESPECTFULLY SUBMITTED

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. 
 For the Committee
 Patrick F. Abernethy

SWA

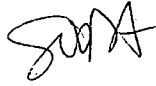
MAJORITY REPORT

HB 259-FN 18-0 CON OTPW/AMEND. #2013-0973H

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Respectfully submitted,

Rep. Patrick F. Abrami

A handwritten signature in black ink, appearing to read 'Patrick F. Abrami', is written below the printed name.