

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 5107. Financial assistance

The Secretary and the Secretary of the Interior may provide financial assistance to the Commission and to the States to carry out their respective responsibilities under this chapter, including—

- (1) the preparation, implementation, and enforcement of coastal fishery management plans; and
- (2) State activities that are specifically required within such plans.

(Pub. L. 103-206, title VIII, § 808, Dec. 20, 1993, 107 Stat. 2453.)

REPORTS

Pub. L. 106-555, title I, § 122(c), Dec. 21, 2000, 114 Stat. 2766, provided that:

“(1) ANNUAL REPORT TO THE SECRETARY.—The Secretary shall require, as a condition of providing financial assistance under this subtitle [subtitle B (§§ 121, 122) of title I of Pub. L. 106-555, amending sections 5101 to 5103, 5106, and 5107a to 5108 of this title and enacting provisions set out as a note under section 5101 of this title], that the Commission and each State receiving such assistance submit to the Secretary an annual report that provides a detailed accounting of the use of the assistance.

“(2) BIENNIAL REPORTS TO THE CONGRESS.—The Secretary shall submit biennial reports to the Committee on Resources [now Committee on Natural Resources] of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the use of Federal assistance provided to the Commission and the States under this subtitle. Each biennial report shall evaluate the success of such assistance in implementing this subtitle.”

§ 5107a. State permits valid in certain waters**(a) Permits**

Notwithstanding any provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), this chapter, or any requirement of a fishery management plan or coastal fishery management plan to the contrary, a person holding a valid license issued by the State of Maine which lawfully permits that person to engage in commercial fishing for American lobster may, with the approval of the State of Maine, engage in commercial fishing for American lobster in the following areas designated as Federal waters, if such fishing is conducted in such waters in accordance with all other applicable Federal and State regulations:

- (1) west of Monhegan Island in the area located north of the line 43° 42' 08" N, 69° 34' 18" W and 43° 42' 15" N, 69° 19' 18" W;
- (2) east of Monhegan Island in the area located west of the line 43° 44' 00" N, 69° 15' 05" W and 43° 48' 10" N, 69° 08' 01" W;
- (3) south of Vinalhaven in the area located west of the line 43° 52' 21" N, 68° 39' 54" W and 43° 48' 10" N, 69° 08' 01" W; and

(4) south of Bois Bubert Island in the area located north of the line 44° 19' 15" N, 67° 49' 30" W and 44° 23' 45" N, 67° 40' 33" W.

(b) Enforcement

The exemption from Federal fishery permitting requirements granted by subsection (a) may be revoked or suspended by the Secretary in accordance with section 308(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858(g)) for violations of such Act or this chapter.

(Pub. L. 103-206, title VIII, § 809, as added Pub. L. 104-297, title IV, § 404(c), Oct. 11, 1996, 110 Stat. 3619; amended Pub. L. 106-555, title I, § 122(b)(3), Dec. 21, 2000, 114 Stat. 2766.)

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in text, is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, which is classified principally to chapter 38 (§ 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

This chapter, referred to in subsec. (b), was in the original “this Act”, and was translated as reading “this title”, meaning title VIII of Pub. L. 103-206, Dec. 20, 1993, 107 Stat. 2447, which is classified principally to this chapter. For complete classification of title VIII to the Code, see Short Title note set out under section 5101 of this title and Tables.

PRIOR PROVISIONS

A prior section 809 of Pub. L. 103-206 was renumbered section 811, and is classified to section 5108 of this title.

AMENDMENTS

2000—Subsecs. (a), (b). Pub. L. 106-555 substituted “Magnuson-Stevens Fishery” for “Magnuson Fishery”.

§ 5107b. Transition to management of American lobster fishery by Commission**(a) Temporary limits**

Notwithstanding any other provision of this chapter or of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), if no regulations have been issued under section 5103(b) of this title by December 31, 1997, to implement a coastal fishery management plan for American lobster, then the Secretary shall issue interim regulations before March 1, 1998, that will prohibit any vessel that takes lobsters in the exclusive economic zone by a method other than pots or traps from landing lobsters (or any parts thereof) at any location within the United States in excess of—

- (1) 100 lobsters (or parts thereof) for each fishing trip of 24 hours or less duration (up to a maximum of 500 lobsters, or parts thereof, during any 5-day period); or
- (2) 500 lobsters (or parts thereof) for a fishing trip of 5 days or longer.

(b) Secretary to monitor landings

Before January 1, 1998, the Secretary shall monitor, on a timely basis, landings of American lobster, and, if the Secretary determines that catches from vessels that take lobsters in the exclusive economic zone by a method other than pots or traps have increased significantly, then the Secretary may, consistent with the national standards in section 301 of the Magnuson-