

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 516,
L.D. 1432, Bill, "An Act To Create a Saltwater Recreational Fishing Registry"

Amend the amendment in section 1 in §6312 in subsection 1 by striking out all of paragraph A (page 1, lines 17 and 18 in amendment) and inserting the following:

'A. "Person with a disability" means a person who has a physical or mental impairment that has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.'

Amend the amendment in section 1 in §6312 in subsection 2 by inserting at the end the following: 'Any revenue generated from the sale of registry information must be used to fund the costs associated with the registry.'

Amend the amendment in section 1 in §6312 in subsection 4 in paragraph E in the first line (page 2, line 14 in amendment) by striking out the following: "and"

Amend the amendment in section 1 in §6312 in subsection 4 in paragraph F in the last line (page 2, line 18 in amendment) by striking out the following: "(2009)." and inserting the following: '(2009); and'

Amend the amendment in section 1 in §6312 in subsection 4 by inserting at the end the following:

'G. A person fishing for smelt by hook and line through the ice from a commercial smelt fishing shack.'

Amend the amendment in section 1 in §6312 in subsection 5 in the last 2 lines (page 2, lines 21 and 22 in amendment) by striking out the following: "may not be charged an agent fee or a fee" and inserting the following: 'may be charged an agent fee of no more than \$1'

Amend the amendment in section 1 in §6312 in subsection 6 by striking out all of the first line (page 2, line 23 in amendment) and inserting the following:

'6. Administration and enforcement; funding. The commissioner shall administer and enforce the provisions of this section within the department's existing resources. The commissioner shall work with Maine's congressional delegation to seek federal funding for purposes of this section. The commissioner may not expand enforcement activities

1 under this subsection beyond existing department resources unless federal funding is
2 secured to cover the costs of those expanded enforcement operations.'

3 Amend the amendment in section 1 in §6312 by inserting at the end the following:

4 '10. Education; source of funding. The department may accept funding from any
5 source, public or private, to be used by the department to educate the public on the
6 provisions of this section.'

7 Amend the amendment by striking out all of section 3 and inserting the following:

8 **'Sec. 3. Fee structure proposal and report.** The Commissioner of Marine
9 Resources and the Commissioner of Inland Fisheries and Wildlife jointly shall develop a
10 proposal to establish a fee structure to cover the costs incurred by the Department of
11 Inland Fisheries and Wildlife and the Department of Marine Resources for data collection
12 and analysis, enforcement and educational activities associated with the saltwater
13 recreational fishing registry established in the Maine Revised Statutes, Title 12, section
14 6312. The fee structure must impose a fee on a person that owns or operates a
15 commercial smelt fishing shack, the operator of a vessel who possesses a current guide
16 license for tidewater fishing issued under Title 12, section 12853 and the operator of a
17 vessel licensed to carry passengers for hire for recreational saltwater fishing, but may not
18 impose fees for registering on the saltwater recreational fishing registry. The proposal
19 must authorize the Department of Marine Resources to accept funding from outside
20 sources, public or private, and restrict the use of the fees and any outside funding to the
21 maintenance of, the enforcement of and education about the saltwater recreational fishing
22 registry. The Commissioner of Marine Resources shall report the fee structures and
23 recommendations to the Joint Standing Committee on Marine Resources by January 5,
24 2010. In that report, the commissioner shall include a recommendation for establishing a
25 fee for a person that sells smelt taken by hook and line from tidal waters through the ice.
26 The report must also include the recommendations of the Commissioner of Inland
27 Fisheries and Wildlife and the Commissioner of Marine Resources regarding the
28 measures to be taken by the departments to educate the public about the saltwater
29 recreational fishing registry and the anticipated costs of those educational measures. The
30 joint standing committee may submit legislation to the Second Regular Session of the
31 124th Legislature regarding matters contained in the report.

32 **'Sec. 4. Contingent effective date.** That section of this Act that enacts the Maine
33 Revised Statutes, Title 12, section 6312 does not take effect until the Department of
34 Marine Resources receives sufficient funding from any source, public or private, to cover
35 the anticipated costs of the department and the Department of Inland Fisheries and
36 Wildlife on educating the public regarding the saltwater recreational fishing registry. The
37 costs may be paid using fees from the fee structure developed pursuant to section 3.
38 When the Commissioner of Marine Resources determines that sufficient funding exists,
39 the commissioner shall certify this fact to the Secretary of State, the Clerk of the House of
40 Representatives, the Secretary of the Senate, the chairs of the joint standing committees
41 of the Legislature having jurisdiction over inland fisheries and wildlife matters and
42 marine resources matters and the Revisor of Statutes.'

43 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
44 or section number to read consecutively.

SUMMARY

This amendment to Committee Amendment "A" does the following.

1. It provides that "person with a disability" means a person that has a physical or mental impairment that has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

2. It exempts a person fishing for smelt by hook and line through the ice from a commercial smelt fishing shack from the registry requirements.

3. It strikes the provision that prohibits a person registering online from being charged an agent fee and instead limits the agent fee that may be charged to \$1.

4. It provides that the provisions of the registry must be implemented and enforced within the existing resources of the Department of Marine Resources and directs the Commissioner of Marine Resources to work with Maine's congressional delegation to seek federal funding for the administration of the registry.

5. It provides that the department may not expand enforcement activities beyond its existing resources unless federal funding is secured to cover the costs of the expanded enforcement activities.

6. It directs that any revenue generated from the sale of registry information must be used to fund the costs associated with the registry.

7. It allows the Department of Marine Resources to receive funding from any public or private source and requires those funds to be used only for the costs associated with the registry.

8. It directs the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to collaborate on developing a fee structure that imposes fees on a person that owns or operates a commercial smelt fishing shack, the operator of a vessel who possesses a current guide license for tidewater fishing and the operator of a vessel licensed to carry passengers for hire for recreational saltwater fishing. The fees must be used to cover the costs incurred by the Department of Inland Fisheries and Wildlife and the Department of Marine Resources for activities associated with the saltwater recreational fishing registry. It directs the Commissioner of Marine Resources to report the fee structures and recommendations, as well as the measures to be taken by the departments to educate the public regarding the registry and the costs of those measures, to the Joint Standing Committee on Marine Resources by January 5, 2010. The committee has authority to submit legislation to the Second Regular Session of the 124th Legislature regarding matters contained in the report.

9. It provides that the provision creating the saltwater recreational fishing registry does not take effect unless the Commissioner of Marine Resources determines that sufficient funding from any source, public or private, and including the proposed fees, exists to cover the costs of developing, maintaining and enforcing the registry and educating the public about the registry.

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10. It strikes the appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY: 

(Representative MACDONALD)

TOWN: Boothbay



124th MAINE LEGISLATURE

LD 1432

LR 1889(05)

An Act To Create a Saltwater Recreational Fishing Registry

Fiscal Note for House Amendment "A" to Committee Amendment "A"

Sponsor: Rep. MacDonald of Boothbay

Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
General Fund	(\$29,100)	(\$40,160)	(\$311,135)	(\$289,863)
Appropriations/Allocations				
General Fund	(\$29,100)	(\$40,160)	(\$311,135)	(\$289,863)

Fiscal Detail and Notes

This amendment provides that enactment of the saltwater recreational fishing registry is not effective until the Department of Marine Resources receives sufficient funding from federal and/or other sources to cover the anticipated costs. Therefore, the appropriations have been removed from the bill. Other Special Revenue Funds revenue may increase from fees to be imposed on operators of commercial smelt fishing shacks, operators of vessels who possess a guide license for tidewater fishing and operators of vessels who are licensed to carry passengers for hire for recreational saltwater fishing. In addition, the legislation states that the Department of Marine Resources shall work with Maine's Congressional Delegation to secure federal funding to cover the costs of the saltwater recreational fishing registry.

Additional costs to the Departments of Inland Fisheries and Wildlife and Marine Resources associated with developing a proposal to establish the fee structure noted above, and to cover the costs associated with the saltwater recreational fishing registry, can be absorbed within existing budgeted resources.