

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1922

H.P. 1370

House of Representatives, January 6, 2020

An Act To Create a Commercial Menhaden Fishing License

Submitted by the Department of Marine Resources pursuant to Joint Rule 203.

Received by the Clerk of the House on January 2, 2020. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McDONALD of Stonington.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 12 MRSA §6041, sub-§2**, as amended by PL 2019, c. 332, §1 and
3 affected by §3, is further amended to read:

4 **2. Sources of revenue.** The fund is capitalized by surcharges assessed under section
5 6502-A, subsection 7 and section 6502-C, subsection 8 and fees collected pursuant to
6 section 6502-B, subsection 4. In addition to those revenues, the commissioner may
7 accept and deposit in the fund money from any other source, public or private.

8 **Sec. 2. 12 MRSA §6302-A, sub-§1**, as amended by PL 2013, c. 254, §1, is
9 further amended to read:

10 **1. Tribal exemption; commercial harvesting licenses.** A member of the
11 Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band
12 of Maliseet Indians who is a resident of the State is not required to hold a state license or
13 permit issued under section 6421, 6501, 6502-A, 6502-C, 6505-A, 6505-C, 6535, 6601,
14 6602, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6803, 6804 or
15 6808 to conduct activities authorized under the state license or permit if that member
16 holds a valid license issued by the tribe, nation or band or the agent of the band to
17 conduct the activities authorized under the state license or permit. A member of the
18 Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band
19 of Maliseet Indians issued a tribal license pursuant to this subsection to conduct activities
20 is subject to all laws and rules applicable to a person who holds a state license or permit
21 to conduct those activities and to all the provisions of chapter 625, except that the
22 member of the tribe, nation or band:

23 A. May utilize lobster traps tagged with trap tags issued by the tribe, nation or band
24 or the agent of the band in a manner consistent with trap tags issued pursuant to
25 section 6431-B. A member of the tribe, nation or band is not required to pay trap tag
26 fees under section 6431-B if the tribe, nation or band or the agent of the band issues
27 that member trap tags;

28 B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe,
29 nation or band or the agent of the band in a manner consistent with tags issued
30 pursuant to section 6505-B. A member of the tribe, nation or band is not required to
31 pay elver fishing gear fees under section 6505-B if the tribe, nation or band or the
32 agent of the band issues that member elver fishing gear tags; and

33 C. Is not required to hold a state shellfish license issued under section 6601 to obtain
34 a municipal shellfish license pursuant to section 6671.

35 **Sec. 3. 12 MRSA §6502-A, sub-§1**, as amended by PL 2011, c. 598, §22, is
36 further amended to read:

37 **1. Definition.** As used in this section, "pelagic or anadromous fish" means Atlantic
38 herring, ~~Atlantic menhaden~~, whiting, spiny dogfish, river herring, Atlantic mackerel,
39 blueback herring, squid, butterfish, scup, black sea bass, smelt and shad.

40 **Sec. 4. 12 MRSA §6502-C** is enacted to read:

1 **§6502-C. Commercial menhaden fishing license**

2 **1. License required.** A person may not engage in the activities authorized under
3 this section without a current commercial menhaden fishing license.

4 **2. License category.** At the time of purchase an applicant for a commercial
5 menhaden fishing license shall select a license category from the following options:

6 A. State allocation; or

7 B. Small scale.

8 A person may select only one license category for a commercial menhaden fishing
9 license. The small scale license category may be selected only by an individual who
10 holds a license issued under section 6421, subsection 1, paragraph A, B, C or E.

11 **3. Licensed activity.** The holder of a commercial menhaden fishing license may
12 fish for or take or possess, ship, transport or sell menhaden that the holder has taken. The
13 commercial menhaden fishing license also authorizes the crew members aboard the
14 vessel named on the license to fish for or take or possess, ship or transport menhaden
15 when the license holder is aboard the vessel.

16 **4. Exemption.** The licensing requirement under subsection 1 does not apply to a
17 person who fishes for, takes, possesses or transports menhaden that have been taken by
18 speargun, harpoon, minnow trap, hand dip net or hook and line and are only for personal
19 use.

20 **5. Rules.** The commissioner shall determine by rule any limitations on the license
21 categories for a commercial menhaden fishing license. Rules adopted pursuant to this
22 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

23 **6. Eligibility.** A commercial menhaden fishing license may be issued only to an
24 individual who is a resident. An individual may not hold more than one commercial
25 menhaden fishing license.

26 **7. Fees.** Fees for commercial menhaden fishing licenses are:

27 A. One hundred twenty-eight dollars for a commercial menhaden fishing license,
28 state allocation category; and

29 B. Forty-eight dollars for a commercial menhaden fishing license, small scale
30 category.

31 **8. Surcharges.** A \$50 surcharge is assessed on a holder of a commercial menhaden
32 fishing license issued by the department. The commissioner shall deposit surcharges
33 collected pursuant to this subsection in the Pelagic and Anadromous Fisheries Fund
34 established under section 6041.

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

SUMMARY

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This bill removes the authority to fish for Atlantic menhaden from the commercial pelagic and anadromous fishing license and creates a new commercial menhaden fishing license with 2 license categories.