

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 420

S.P. 158

In Senate, February 6, 1995

**An Act to Require a License for Recreational Harvesting of Marine  
Organisms and for the Operation of Marine Party Boats.**

(EMERGENCY)

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Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator MICHAUD of Penobscot.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           **Whereas,** the number of persons engaged in recreational  
6 fishing in marine waters has increased significantly over the  
past decade; and

8           **Whereas,** the biology and population of most marine  
10 recreational fish species is not well understood; and

12           **Whereas,** there is a significant need to increase the  
enforcement of marine recreational fishing rules; and

14           **Whereas,** there may be significant opportunities to enhance  
16 marine recreational fish populations through stocking programs;  
and

18           **Whereas,** in the judgment of the Legislature, these facts  
20 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
22 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

26           **Sec. 1. 12 MRSA c. 624** is enacted to read:

28    CHAPTER 624

30   MARINE RECREATIONAL FISHING LICENSES

32   SUBCHAPTER I

34   MARINE RECREATIONAL FISHING LICENSE

36           §6821. Marine recreational fishing license

38           1. License required. It is unlawful for a person to fish  
40 for, take or possess for personal use or consumption any marine  
species without a valid marine recreational fishing license.

42           2. Exemptions. This section does not apply to a person who  
44 is:

46           A. Fifteen years of age or younger or 70 years of age or  
older;

48           B. Fishing from a marine party boat as defined in section  
50 6831; or

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C. Engaged in the activities permitted pursuant to section 6302.

A person who holds a valid lobster and crab fishing license may fish for, take and possess alewives for bait without a marine recreational fishing license.

3. Eligibility. A marine recreational fishing license may be issued only to an individual. A marine recreational fishing license may be issued to a resident or a nonresident.

4. Fee. The annual fee for a marine recreational fishing license is \$10.

**SUBCHAPTER II**

**MARINE PARTY BOAT LICENSE**

**§6831. Marine party boat license**

1. Definitions. For the purposes of this chapter, "marine party boat" means any vessel carrying or offering to carry customers for a fee for the purpose of marine recreational fishing.

2. License required. It is unlawful for a person to operate a vessel as a marine party boat unless that person possesses a valid marine party boat license. A marine party boat license authorizes all persons on board the marine party boat to engage in recreational marine fishing activities without a license required under section 6821 during the time those persons are on board the marine party boat.

3. Eligibility. A marine party boat license may be issued only to an individual. A marine party boat license may be issued to a resident or a nonresident.

4. Reporting required. A person licensed under this subchapter shall maintain records and submit reports required in rules adopted by the department.

5. Fee. The annual fee for a marine party boat license is \$100.

**SUBCHAPTER III**

**MARINE RECREATIONAL FISHING FUND**

**§6841. Marine Recreational Fishing Fund**

2           **1. Marine Recreational Fishing Fund established.**   The  
4 Marine Recreational Fishing Fund is established in the department  
for the purpose of providing new or expanded programs that  
6 directly benefit marine recreational anglers.

8           **2. Expenditure of revenues.**   The commissioner shall deposit  
10 to the Marine Recreational Fishing Fund all revenues received  
from marine recreational fishing licenses and marine party boat  
12 licenses authorized under this chapter and all revenues received  
from fines or the liquidation of property seized as a result of  
violations of this chapter.

14           **3. Nonlapsing fund.**   Funds in the Marine Recreational  
16 Fishing Fund do not lapse.

18           **Sec. 2. Marine Recreational Fishing Advisory Council.**   The  
20 Commissioner of Marine Resources shall establish a Marine  
22 Recreational Fishing Advisory Council to advise the Department of  
24 Marine Resources on marine recreational fishing issues no later  
than 90 days after the effective date of this Act. The council  
consists of 7 members appointed by the commissioner. Members of  
the council serve without compensation.

26           **Emergency clause.**   In view of the emergency cited in the  
preamble, this Act takes effect when approved.

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**STATEMENT OF FACT**

32           This bill requires that marine recreational anglers be  
34 licensed in order to fish for, take or possess any marine species  
36 for personal use or consumption. The bill establishes a marine  
38 recreational fishing license for individuals and a marine party  
boat license for party boat operators and their passengers. The  
40 bill establishes the Marine Recreational Fishing Fund through  
42 which revenues from the licenses and all fines and property  
seized for violations of license requirements will be used to  
fund marine recreational fishing programs. The bill also  
establishes a Marine Recreational Fishing Advisory Council to  
advise the Department of Marine Resources on marine recreational  
fishing issues.