

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1652

H.P. 1155

House of Representatives, March 3, 1999

An Act to Repeal the Atlantic Salmon Authority.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GOODWIN of Pembroke.

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

4 **Sec. 1. 12 MRSA c. 712 is enacted to read:**

6 **CHAPTER 712**

8 **ATLANTIC SALMON MANAGEMENT**

10 **§7641. Powers**

12 The commissioner has the sole authority to manage the
14 Atlantic salmon fishery in the State, including the sole
16 authority to introduce Atlantic salmon into inland waters, other
18 than commercial aquaculture facilities and associated
20 activities. The commissioner has the sole authority to limit or
prohibit the taking of Atlantic salmon, issue licenses for the
taking of Atlantic salmon and adopt rules establishing the time,
place and manner of Atlantic salmon fishing in all waters of the
State. In addition, the commissioner may:

22 1. Programs. Conduct research, publish and disseminate
24 information and plan, report and implement programs necessary for
the purposes of managing Atlantic salmon fisheries:

26 2. Contracts and agreements. Enter into any contracts,
28 agreements or other arrangements with public agencies and with
private parties that the commissioner finds necessary to carry
out the purposes of this chapter:

30 3. Rules. Adopt rules necessary to manage the Atlantic
32 salmon fishery and to promote the conservation and propagation of
34 Atlantic salmon. Rules adopted by the commissioner must be
36 enforced by the Department of Marine Resources, the department
and other public officials authorized by law to enforce marine
resource laws or inland fisheries and wildlife laws. Rules
adopted pursuant to this section are major substantive rules
pursuant to Title 5, chapter 375, subchapter II-A; and

38 4. Property. Subject to other applicable requirements of
40 law, acquire, install, construct, operate, manage, sell and
42 convey interests in real and personal property, including,
44 without limitation, lands, dams, buildings, facilities,
46 structures, flowage rights, mill privileges, easements and
rights-of-way, as the commissioner finds necessary to carry out
the purposes of this chapter, as long as prior rights of
municipalities are not affected by the requirements.

48 **§7642. Atlantic Salmon Fund**

2 1. Fund established. The Atlantic Salmon Fund, referred to
in this section as the "fund," is established as a dedicated,
nonlapsing fund.

4
6 2. Source of funds. The fund may receive funds from any
source, public or private.

8 3. Purpose. The commissioner may use the fund for the
management and conservation of Atlantic salmon as described in
10 this chapter.

12 **§7643. Head of tide; Union River**

14 For the purposes of this chapter, head of tide on the Union
16 River, Hancock County, is designated as that point on the
downstream side where the highway bridge on U.S. Route 1 crosses
the river in the City of Ellsworth.

18 **§7644. Atlantic salmon license**

20 1. License required. Except as otherwise provided in this
22 section, a person may not fish for, take, possess, ship or
transport Atlantic salmon taken from any state waters without a
24 current Atlantic salmon license.

26 2. License fees. The commissioner shall issue Atlantic
salmon licenses to fish for Atlantic salmon in inland and coastal
28 waters of the State in accordance with the following provisions.

30 A. The fee for an Atlantic salmon license is \$15 for a
resident.

32 B. The fee for an Atlantic salmon license for any
34 nonresident is:

36 (1) For a season license for a nonresident 16 years of
age or older, \$30;

38 (2) For a 3-day license for a nonresident 16 years of
40 age or older, \$15. This license may not be exchanged
42 for a season license; and

44 (3) For a nonresident under 16 years of age, \$5.

46 C. Members of the State's Indian tribes and state residents
under 16 years of age are exempt from any fee.

48 3. License limitations and validation. A person may not
purchase more than one Atlantic salmon license in any single
50 calendar year for that person's use. Immediately after issuance

2 of an Atlantic salmon license, the purchaser must sign it in the
3 space provided. An unsigned license is considered invalid.

4 4. Atlantic salmon; possession, buying or selling. A
5 person may not possess, buy or sell Atlantic salmon unless each
6 fish is clearly:

8 A. Tagged with an Atlantic salmon tag provided by the
9 commissioner if caught in state waters;

10 B. Tagged with a New Brunswick, Quebec, Nova Scotia or
11 Newfoundland-Labrador Atlantic salmon tag if imported from
12 those Canadian provinces;

14 C. Identified by a sales receipt less than 24 hours old;

16 D. For wholesale and retail seafood dealers, identified by
17 a bill of sale indicating numbers of fish purchased, dates
18 of purchase and point of origin of all fish purchased; or

20 E. Tagged as provided in this section.

22 5. Exceptions. This section does not apply to a person
23 licensed to engage in the aquaculture of Atlantic salmon;
24 however, that person shall report to the commissioner the number
25 and weight of and the locations to which sold of all Atlantic
26 salmon within the commissioner's jurisdiction. The commissioner
27 shall maintain those records as confidential documents.

30 6. Agent's fee. Any clerk or agent appointed by the
31 commissioner to issue an Atlantic salmon license shall retain \$1
32 for each license issued.

34 7. Use of license fees. All license fees must be deposited
35 in the Atlantic Salmon Fund established under section 7642.

36 8. Duplicates. The commissioner or the commissioner's
37 agents shall issue a duplicate license to any person whose
38 license was accidentally lost or destroyed. The fee for a
39 replacement license is \$1, all of which is retained by the
40 issuing agent. Atlantic salmon tags bearing the license number
41 of a lost or destroyed license are invalid.

44 9. Fishing in inland waters. When fishing in inland
45 waters, the holder of a license authorized under this section is
46 subject to all the provisions of this chapter, chapters 701 to
47 711 and chapters 713 to 721.

48 **§7645. Registration of Atlantic salmon**

50

2 Except as provided in subsection 4, a person may not
3 possess, ship or transport an Atlantic salmon that has not been
4 properly registered according to the provisions of this section
5 by the person who killed the fish.

6 1. Time period. A person who kills Atlantic salmon shall
7 present the Atlantic salmon for registration within 12 hours.
8 The Atlantic salmon must be registered at the first open Atlantic
9 salmon registration station on the route taken by the person who
10 kills the fish.

11 2. Information requirements. The person who kills the fish
12 must register the fish in the person's own name. Information
13 concerning each Atlantic salmon registered must be reported
14 accurately and truthfully.

15 3. Possession of unlabeled parts prohibited. A person may
16 not possess any part of an Atlantic salmon taken from the inland
17 or coastal waters of this State unless each part is plainly
18 labeled with the name and address of the person who registered
19 the fish, except that a person may possess a fish properly
20 identified under this chapter.

21 4. Exemptions. The following are exempt from the
22 registration requirements of this section:

23 A. Atlantic salmon imported from outside the State;

24 B. Atlantic salmon imported by taxidermists solely for
25 taxidermy purposes; and

26 C. Atlantic salmon raised by means of aquaculture.

27 5. Recreational fishing provision. A person engaged in
28 recreational fishing who takes an Atlantic salmon shall affix to
29 each fish an identification tag designating the date, location
30 and name of the person who caught the fish. The person shall
31 notify the commissioner within 24 hours of that person's first
32 landfall providing all information the commissioner may require.

33 **§7646. Atlantic salmon imports; exemption from prohibition for**
34 **fisheries enhancement**

35 The commissioner may grant an exemption from the provisions
36 of section 6071, subsection 4 for Atlantic salmon, live or eggs,
37 imported for the purpose of enhancing the State's Atlantic salmon
38 fisheries.

39 **§7647. Atlantic salmon; limits; method of taking; closed season**

