

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1701

S.P. 633

In Senate, December 17, 2003

**An Act To Amend the Fees of Special Licenses under the Marine
Resources Laws**

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 16, 2003. 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 "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAMON of Hancock.

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

Sec. 1. 12 MRSA §6074, sub-§3, as amended by PL 1983, c. 662, §3, is further amended to read:

3. Filing fee. Each application ~~shall~~ must include a nonrefundable filing fee of \$50 ~~\$100~~. The fee may be waived for research activity by institutions or organizations financed in whole or part by state funding. ~~No filing fee may be required for applying for a special license for raising and selling Pacific salmon.~~ No filing fee may be required from a municipality applying for a special license for using a hydraulic dredge under section 6623.

Sec. 2. 12 MRSA §6074, sub-§5, as amended by PL 1989, c. 204, §2, is further amended to read:

5. Fees. At the time of the initial issuance of a special license, and each year upon renewal, an annual fee must be paid. The annual fee for a special license ~~shall be \$25, not to exceed 2 individuals, is \$50. An annual fee of \$10 shall be paid for each individual after the first individual.~~ No license fee may be required for a special license for raising and selling Pacific salmon. An annual fee for a special license for more than 2 individuals, not to exceed 10 individuals, is \$100. Additional individuals may be included in a special license in groups up to 10, for an additional \$100 per group. The fee may be waived for research activity by institutions or organizations financed in whole or part by state funding. A license fee may not be required from a municipality for a special license for using a hydraulic dredge under section 6623. A license fee may not be required for employees of the department when they are acting in their capacity as employees under the direction of the commissioner or the commissioner's designated representative.

Sec. 3. 12 MRSA §6074, sub-§6, as repealed and replaced by PL 1979, c. 412, is amended to read:

6. Renewal.

A. The initial issuance of each special license ~~shall~~ must specify the number of times the license may be renewed after the initial issuance. Each license may be renewed at least 4 times. The commissioner, with the advice and consent of the advisory council, may authorize ~~up to 19~~ renewals, if the necessary investment in the research or aquaculture requires additional renewals.

B. The commissioner shall annually renew the license on request for the authorized number of renewals, unless the

2 license holder has not complied with the conditions of the
license, or the commissioner finds that renewal is not in
4 the best interest of the State. Renewals shall do not
require a new application ~~nor~~ or filing fee and shall do not
6 require the advice and consent of the advisory council.

8 **Sec. 4. 12 MRSA §6074, sub-§9,** is enacted to read:

10 9. Penalty. An individual who fails to comply with the
conditions or limitations on the licensed activity under this
section commits a civil violation for which a forfeiture of not
12 less than \$100 nor more than \$500 may be adjudged.

14 **SUMMARY**

16 This bill increases the filing fee for applying for a
18 special license from \$50 to \$100, and the annual fee for a
special license from \$25 to \$50. The bill strikes language that
20 waives the application filing fee for a special license for
raising and selling Pacific salmon. In addition, it changes the
22 way that license holders are charged for additional names on the
license, from a per-individual charge to a flat fee for up to a
24 given number of names. Currently, the Commissioner of Marine
Resources may waive the filing fee for state-funded institutions;
26 this bill adds the same language to allow the commissioner to
also waive the annual fee for such institutions. This bill adds
28 a penalty provision creating a civil violation, which is in
addition to the general authority of the Department of Marine
30 Resources to suspend licenses.