

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

L.D. 565

ML
RDS
2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46

DATE: 4/14/5

(Filing No. H-137)

INLAND FISHERIES AND WILDLIFE

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 420, L.D. 565, Bill, "An Act To Amend the Law Regarding Fishing Derbies"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

Whereas, students may not be able to obtain adequate funding for the upcoming academic school year unless this bill takes effect in time to allow academic fishing derbies to take place during this year's open-water fishing season; and

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

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

Sec. 1. 12 MRSA §12504, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Permit required. Except as provided in ~~section~~ sections 12504-A and 12505, a person may not conduct a fishing derby or

COMMITTEE AMENDMENT

Rules

COMMITTEE AMENDMENT "A" to H.P. 420, L.D. 565

2 fishing tournament without a valid permit issued under this section.

4 Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

8 Sec. 2. 12 MRSA §12504-A is enacted to read:

10 §12504-A. Fishing derby permits for educational institutions

12 1. Permit required. A person may not conduct a fishing derby held by an educational institution that awards prizes in excess of \$10,000 for a single fishing derby without a permit issued under this section. For purposes of this section, "educational institution" means an accredited postsecondary educational institution incorporated, chartered or established under the laws of the State.

20 Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

24 2. Application. An educational institution seeking approval to conduct a fishing derby pursuant to this section must submit an application to the commissioner in a manner and form to be designated by the commissioner. The application must include the educational institution's derby rules, any amendments or changes to the rules and a schedule of the dates, places and times of the proposed derby. The department shall accept applications after January 1st annually for derbies to be held during that year and process those applications in the order of receipt.

36 3. Restrictions and requirements. The following restrictions and requirements apply to permits issued under this section.

40 A. Rules adopted by the commissioner pursuant to section 12504 are applicable to permits issued under this section, except rules limiting the cash value of prizes or concerning an ice fishing derby.

44 B. A fishing derby may be conducted only in bodies of water free of ice.

48 C. A person may not participate as an angler in a fishing derby unless that person is affiliated with the sponsoring educational institution, either as a student, a parent or sibling of a student, an alumnus or a staff member of the educational institution. A student may invite a single

2 quest to participate in a derby held under this section.
3 For purposes of this paragraph, "student" includes a current
4 or incoming student.

5 D. At least 80% of the prizes awarded at a fishing derby
6 must be in the form of scholarships.

7 E. An angler participating in a fishing derby may not use a
8 motorboat.

9 F. A fishing derby may not target cold-water species.

10 G. A fishing derby must be an event that is only catch and
11 release or catch, measure and release.

12 H. An angler participating in a fishing derby may not have
13 more than one rod per person or more than 2 rods per boat.

14 I. An angler participating in a fishing derby may use
15 artificial lures only.

16 4. Rules. The commissioner may adopt rules necessary to
17 carry out the purposes of this section. Rules adopted pursuant
18 to this subsection are routine technical rules as defined in
19 Title 5, chapter 375, subchapter 2-A.

20 5. Penalty. Except as provided in section 12602, the
21 following penalties apply to violations of subsection 3 or rules
22 adopted under subsection 4.

23 A. A person who violates subsection 3 or a rule adopted
24 pursuant to subsection 4 commits a civil violation for which
25 a fine of not less than \$100 nor more than \$500 may be
26 adjudged.

27 B. A person who violates subsection 3 or a rule adopted
28 under subsection 4 after having been adjudicated as having
29 committed 3 or more civil violations under this Part within
30 the previous 5-year period commits a Class E crime.

31 Emergency clause. In view of the emergency cited in the
32 preamble, this Act takes effect when approved.'

SUMMARY

33 This amendment replaces the bill with an emergency measure
34 that establishes a derby fishing permit for educational
35 institutions that wish to hold fishing derbies and award prizes

COMMITTEE AMENDMENT "A" to H.P. 420, L.D. 565

in excess of \$10,000 for a single fishing derby. Additionally,
the amendment establishes the following permit restrictions.

1. Rules adopted by the commissioner pursuant to the Maine Revised Statutes, Title 12, section 12504 are applicable to permits issued under the new derby permit section, except for rules limiting the cash value of prizes or concerning an ice fishing derby.

2. A derby may be conducted only in bodies of water free of ice and may not target cold water species.

3. A person may not participate as an angler in a derby unless that person is affiliated with the sponsoring educational institution, either as a student, a parent or sibling of a student, an alumnus or a staff member of the educational institution. A student may invite a single guest to participate in the derby.

4. At least 80% of the prizes awarded at a derby must be in the form of scholarships.

5. An angler participating in a derby may not use a motorboat or have more than one rod per person or more than 2 rods per boat and is limited to fishing with artificial lures only.

6. A derby must be an event that is only catch and release or catch, measure and release.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 565

LR 1440(02)

An Act To Amend the Law Regarding Fishing Derbies

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - General Fund

Correctional and Judicial Impact Statements:

Establishes new civil violations and Class E crimes

The collection of additional fines may increase General Fund revenue by minor amounts