

MAINE STATE LEGISLATURE

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MAJORITY

L.D. 1432

Date: 6-3-09

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MRS
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MARINE RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 516, L.D. 1432, Bill, "An Act To Create a Saltwater Recreational Fishing Registry"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 12 MRSA §6312 is enacted to read:

§6312. Saltwater recreational fishing registry

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Person with a disability" means a person who is physically or mentally incapacitated as determined by the commissioner.

B. "Disabled veteran" means a veteran of the Armed Forces of the United States who has a service-connected disability as determined by the United States Department of Veterans Affairs.

C. "Registry" means the registry for persons engaged in saltwater recreational fishing established under subsection 2.

2. Saltwater recreational fishing registry established. The commissioner shall administer and maintain a registry of persons who engage in saltwater recreational fishing. The commissioner may designate by rule the methods of fishing or the saltwater areas for which registration is required under this section. The registry must contain the name, address, date of birth and telephone number for each person registered.

3. Registry procedures. A person may register pursuant to subsection 2 through an agent under section 12501 or a publicly accessible online licensing and registration system operated by the Department of Inland Fisheries and Wildlife. The commissioner and the Commissioner of Inland Fisheries and Wildlife shall work together to allow a person to register on the registry through the Department of Inland Fisheries and Wildlife's online licensing and registration system while that data is stored and maintained by the Department of Marine Resources. A person purchasing a fishing

COMMITTEE AMENDMENT

1 license under section 12501 must be asked if the person intends to fish in salt water for
2 that calendar year. If the person answers in the affirmative, the person must be informed
3 of the requirements under this section.

4 **4. Registry required.** A person may not engage in saltwater recreational fishing or
5 land or possess fish taken from salt water without registering pursuant to this section
6 except:

7 A. A person under 16 years of age or a person 70 years of age or older;

8 B. A passenger on board a vessel captained by an individual who possesses a current
9 guide license for tidewater fishing issued under section 12853 or a customer on board
10 a vessel licensed to carry passengers for hire for recreational fishing;

11 C. A member of the United States Armed Forces on active military duty while on
12 leave or furlough;

13 D. A person with a disability;

14 E. A disabled veteran; and

15 F. A person who is registered or licensed to engage in saltwater recreational fishing
16 in another jurisdiction if the registration or licensing requirements of that jurisdiction
17 meet the requirements of 50 Code of Federal Regulations, Sections 600.1415 and
18 600.1416 (2009).

19 **5. Fees.** A fee for registering on the registry may not be established or levied.
20 Notwithstanding any other provision of law, a person registering through an agent
21 authorized under section 12501 or an online licensing and registration system may not be
22 charged an agent fee or a fee for using the online licensing and registration system.

23 **6. Enforcement.** The following provisions apply to the enforcement of the registry.

24 A. Until September 30, 2011, a person who violates subsection 4 may be issued a
25 warning and must be informed about the registry requirements. A person who
26 violates subsection 4 after having received a warning commits a civil violation for
27 which a fine of not less than \$100 may be adjudged.

28 B. Beginning October 1, 2011, a person who violates subsection 4 commits a civil
29 violation for which a fine of not less than \$100 may be adjudged.

30 **7. Collaboration on outreach efforts.** The commissioner shall work with fishing
31 and hunting groups and the interested parties in its efforts to notify and educate the public
32 about the registry.

33 **8. Report.** The commissioner shall report registry information to the United States
34 Department of Commerce, National Oceanic and Atmospheric Administration in a form
35 and manner as required by the National Oceanic and Atmospheric Administration.

36 **9. Rules.** The commissioner may adopt rules to carry out the purposes of this
37 section. Rules adopted pursuant to this subsection are routine technical rules as defined
38 by Title 5, chapter 375, subchapter 2-A.

39 **Sec. 2. Commissioner to execute memorandum of agreement.** By January
40 1, 2010, the Commissioner of Marine Resources shall initiate negotiations to execute a

1 memorandum of agreement with the United States Department of Commerce, National
2 Oceanic and Atmospheric Administration pursuant to the provisions of 50 Code of
3 Federal Regulations, Section 600.1415 (2009).

4 **Sec. 3. Appropriations and allocations.** The following appropriations and
5 allocations are made.

6 **MARINE RESOURCES, DEPARTMENT OF**

7 **Division of Administrative Services 0258**

8 Initiative: Provides funding for programming, printing and training related to the new
9 saltwater recreational fishing registry.

10	GENERAL FUND	2009-10	2010-11
11	All Other	\$29,100	\$40,160
12			
13	GENERAL FUND TOTAL	<u>\$29,100</u>	<u>\$40,160</u>
14			

15 **SUMMARY**

16 This amendment reallocates most of the provisions of the bill to the licensing statutes
17 for the Department of Marine Resources instead of the Department of Inland Fisheries
18 and Wildlife. The differences between the bill and the amendment are as follows.

19 1. It creates a saltwater recreational fishing registry administered by the Department
20 of Marine Resources to register persons engaged in saltwater recreational fishing and
21 directs that department and the Department of Inland Fisheries and Wildlife to work
22 together to allow a person to register on the saltwater recreational registry through the
23 Department of Inland Fisheries and Wildlife's online licensing and registration system
24 while that data is stored and maintained by the Department of Marine Resources.

25 2. In addition to the list of persons exempt from the registry requirements under the
26 bill, it adds a person 70 years of age or older.

27 3. It provides that a law enforcement officer may issue a warning to a person who
28 violates the registry requirements before September 30, 2011 and makes a subsequent
29 violation by that person before September 30, 2011 a civil violation for which a fine of
30 not less than \$100 may be adjudged. After that date, any violation of the registry
31 requirements is a civil violation.

32 4. It removes the requirement in the bill that an informational brochure be given to a
33 person who violates the registry requirements before September 30, 2011 and directs the
34 Department of Marine Resources to work with fishing and hunting groups and other
35 interested parties to notify and educate the public about the saltwater recreational fishing
36 registry.

37 5. It provides that a fee, agent fee or online system fee may not be charged to a
38 person registering on the registry.

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6. It provides that the Commissioner of Marine Resources and not the Commissioner of Inland Fisheries and Wildlife shall initiate negotiations to execute an agreement with the National Oceanic and Atmospheric Administration to exempt the State from the federal registry.

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7. It removes the deappropriation of \$12,000 from the Department of Marine Resources recreational fishing program to fund the administration of the saltwater recreational fishing registry by the Department of Inland Fisheries and Wildlife because under this amendment the Department of Inland Fisheries and Wildlife is no longer administering the registry.

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FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 1432

LR 1889(02)

An Act To Create a Saltwater Recreational Fishing Registry

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

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
General Fund	\$29,100	\$40,160	\$311,135	\$289,863
Appropriations/Allocations				
General Fund	\$29,100	\$40,160	\$311,135	\$289,863

Correctional and Judicial Impact Statements

Increases the number of civil violations.

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

Fiscal Detail and Notes

This legislation creates the saltwater recreational fishing registry. It includes a General Fund appropriation to the Department of Marine Resources for training, registration printing costs and programming. The legislation indicates that warnings be issued until October 1, 2011. Enforcement costs related to the new registry can be absorbed within existing budgeted resources in the current biennium. In future years a boat, fuel and 3 seasonal marine patrol officers will be needed. The legislation states that fees for registering, including agent fees, may not be charged.