

MAINE STATE LEGISLATURE

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MAJORITY

L.D. 1432

Date: 3-11-10

(Filing No. S-411)

MARINE RESOURCES

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

STATE OF MAINE

SENATE

124TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" 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Sec. 1. 12 MRSA §6032, as enacted by PL 1999, c. 85, §3, is repealed and the following enacted in its place:

§6032. Marine Recreation Fishing Conservation and Management Fund

1. Fund established. The Marine Recreation Fishing Conservation and Management Fund, referred to in this section as "the fund," is established within the department. In addition to fees derived from the saltwater recreational fishing registry pursuant to section 6312, subsection 4, the commissioner may receive on behalf of the fund funds from any source. All money received into the fund must be used for the purposes of the fund under subsection 2. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year to be used for the purposes of the fund. Any interest earned on the money in the fund must be credited to the fund. By February 1st of each year, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the amount of money collected in the fund and all expenditures made from the fund in the previous fiscal year.

2. Uses of fund. The commissioner may authorize the expenditure of money from the fund for the implementation, administration and enforcement of the saltwater recreational fishing registry under section 6312 and for research and conservation efforts related to the saltwater recreational fishery.

Sec. 2. 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.

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

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

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

8 **2. Saltwater recreational fishing registry established.** The commissioner shall
9 administer and maintain a registry of persons who engage in saltwater recreational
10 fishing. The commissioner may designate by rule the methods of fishing or the saltwater
11 areas for which registration is required under this section. The registry must at a
12 minimum contain the name, address, date of birth and telephone number for each person
13 registered. Only an individual may register.

14 **3. Registration required.** A person may not engage in saltwater recreational fishing
15 or land or possess fish taken from salt water without registering pursuant to this section
16 except the following persons are exempted from this prohibition:

17 A. A person under 16 years of age;

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

21 C. A person with a disability;

22 D. A disabled veteran;

23 E. An individual that possesses a valid New Hampshire saltwater recreational fishing
24 license that meets the requirements of 50 Code of Federal Regulations, Sections
25 600.1415 and 600.1416 (2009) engaging in recreational saltwater fishing from the
26 State's southern border to Cape Neddick;

27 F. An individual renting a smelt fishing camp from a commercial operator; and

28 G. A resident fishing on July 4th, Labor Day weekend or Memorial Day weekend.

29 **4. Fees.** The fees for registering annually on the registry are:

30 A. Five dollars for a resident;

31 B. Fifteen dollars for a nonresident; and

32 C. Ten dollars for a resident lifetime registration for an applicant that is 70 years of
33 age or older. A resident lifetime registration is valid for one year and may be
34 renewed free of charge.

35 Revenues collected pursuant to this subsection must be deposited in the Marine
36 Recreation Fishing Conservation and Management Fund established under section 6032.

37 The registry does not authorize a person registered on the registry to sell fish taken
38 pursuant to the registry.

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1 5. Agent fee. A clerk or other agent appointed by the commissioner to register
2 people on the registry shall charge a fee of \$2 for each person registered by that clerk or
3 agent. The commissioner shall charge a fee of \$1 for each registration taken by a
4 department employee.

5 6. Native American. Upon application, the commissioner shall register a member
6 of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians
7 or the Aroostook Band of Micmacs on the registry without a charge or fee if the Native
8 American presents a certificate from the respective reservation governor, the Aroostook
9 Micmac Council or "Wesget-Sipu" stating that the person described is a Native American
10 and a member of that nation, band or tribe. The commissioner may refuse to register a
11 Native American that is otherwise prohibited from registering or from holding a
12 recreational fishing license issued under Part 13. A registration under this subsection is
13 valid for one year and may be renewed without a charge or fee.

14 7. Penalty. A person who violates subsection 3 commits a civil violation for which
15 a fine of not less than \$100 may be adjudged.

16 8. Collaboration on outreach efforts. The commissioner shall work with fishing
17 and hunting groups and interested parties in the commissioner's efforts to notify and
18 educate the public about the registry.

19 9. Report. The commissioner shall report registry information to the United States
20 Department of Commerce, National Oceanic and Atmospheric Administration in a form
21 and manner as required by the National Oceanic and Atmospheric Administration.

22 10. Rules. The commissioner may adopt rules to carry out the purposes of this
23 section. Rules adopted pursuant to this subsection are routine technical rules as defined
24 by Title 5, chapter 375, subchapter 2-A.

25 **Sec. 3. Appropriations and allocations.** The following appropriations and
26 allocations are made.

27 **MARINE RESOURCES, DEPARTMENT OF**

28 **Bureau of Resource Management 0027**

29 Initiative: Provides funding for 2 seasonal Marine Patrol Officer positions, one full-time
30 Marine Patrol Officer position, one part-time Marine Resource Scientist IV position, one
31 part-time Marine Resource Scientist III position, one full-time Marine Resource
32 Specialist I position, one full-time Marine Resource Scientist I position, 2 part-time
33 Marine Resource Specialist I positions and 4 Conservation Aide positions and related All
34 Other costs to administer, maintain and enforce the newly created saltwater recreational
35 fishing registry.

36	OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
37	Personal Services	\$0	\$76,882
38	All Other	\$0	\$85,434
39			
40	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$162,316



124th MAINE LEGISLATURE

LD 1432

LR 1889(10)

An Act To Create a Saltwater Recreational Fishing Registry

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

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$162,316	\$665,609	\$875,486
Revenue				
Other Special Revenue Funds	\$0	\$285,000	\$1,068,750	\$1,437,000

Correctional and Judicial Impact Statements

Establishes new civil violations.

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

Fiscal Detail and Notes

The bill creates a saltwater recreational fishing registry effective January 1, 2011 and dedicates the fees to the Marine Recreation Fishing Conservation and Management Fund. The bill includes an Other Special Revenue Funds allocation of \$162,316 in fiscal year 2010-11 to the Department of Marine Resources for two seasonal Marine Patrol Officer positions and one full-time Marine Patrol Officer position and related administrative costs to administer, maintain and enforce the newly created saltwater recreational fishing registry. These three positions currently exist, therefore no additional headcount is needed. Administrative costs include technology, central fleet management and registration processing costs. The new saltwater recreational fishing registry is estimated to increase Other Special Revenue Funds revenue by \$285,000 in fiscal year 2010-11. This revenue estimate is based upon the average number of saltwater anglers over the past 9 years and assumes a 20% participation rate in the first year.

Beginning in fiscal year 2011-12, the Department will fund one part-time Marine Resource Scientist IV position, one part-time Marine Resource Scientist III position, one full-time Marine Resource Specialist I position, one full-time Marine Resource Scientist I position, two part-time Marine Resource Specialist I positions, and four Conservation Aide positions, which are also existing positions requiring no additional headcount. Revenue for fiscal year 2011-12 is estimated assuming a 75% participation rate, with that participation rate reaching 100% in fiscal year 2012-13 and beyond.