

# MAINE STATE LEGISLATURE

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MAJORITY

L.D. 1432

Date: 3-25-10

(Filing No. S-464)

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 "C" 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Sec. 1. 12 MRSA §6032, as enacted by PL 1999, c. 85, §3, is repealed and the following enacted in its place: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 striped bass endorsement and the commercial operator's license pursuant to section 6312, subsections 4 and 5, 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, endorsement and license

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

COMMITTEE AMENDMENT

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 exempt from this prohibition and the endorsement  
17 requirement under subsection 4:

18 A. A person under 16 years of age;

19 B. A passenger on board a vessel captained by an individual who possesses a valid  
20 commercial operator's license pursuant to subsection 5;

21 C. A person renting a smelt fishing camp from an operator that possesses a valid  
22 commercial operator's license pursuant to subsection 5;

23 D. A person with a disability;

24 E. A disabled veteran;

25 F. A person that possesses a valid New Hampshire saltwater recreational fishing  
26 license that meets the requirements of 50 Code of Federal Regulations, Sections  
27 600.1415 and 600.1416 (2009) engaging in recreational saltwater fishing from the  
28 State's southern border to Cape Neddick; and

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

30 Registration does not authorize a person registered on the registry to sell fish taken  
31 pursuant to the registry.

32 **4. Striped bass endorsement.** A person required to register under subsection 3 may  
33 not engage in saltwater recreational fishing for striped bass or land or possess striped bass  
34 taken from salt water without a striped bass endorsement issued by the commissioner or a  
35 clerk or agent appointed by the commissioner pursuant to subsection 6. A striped bass  
36 endorsement is valid for one year and the fees are:

37 A. Five dollars for a resident;

38 B. Fifteen dollars for a nonresident; and

1 C. Ten dollars for a resident lifetime striped bass endorsement for an applicant who  
2 is 70 years of age or older. A resident lifetime striped bass endorsement is valid for  
3 one year and may be renewed free of charge.

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

6 5. Commercial operator's license. The following persons must possess a valid  
7 commercial operator's license issued by the commissioner or a clerk or agent appointed  
8 by the commissioner pursuant to subsection 6:

9 A. A captain of a vessel licensed to carry passengers for hire for saltwater  
10 recreational fishing; and

11 B. A person operating a business that rents smelt fishing camps for saltwater  
12 recreational smelt fishing.

13 The annual fee for a commercial operator's license is \$50. Revenues collected pursuant to  
14 this subsection must be deposited in the Marine Recreation Fishing Conservation and  
15 Management Fund established under section 6032.

16 6. Agent fee. A clerk or other agent appointed by the commissioner to register a  
17 person on the registry, issue a commercial operator's license or issue a striped bass  
18 endorsement under this section shall charge a person a fee of \$2 for each registration,  
19 license or endorsement issued to that person by that clerk or agent. The commissioner  
20 shall charge a fee of \$1 for each registration, license or endorsement taken by a  
21 department employee.

22 7. Native American. Upon application, the commissioner shall register a member  
23 of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians  
24 or the Aroostook Band of Micmacs on the registry without a charge or fee if the Native  
25 American presents a certificate from the respective reservation tribal clerk or the  
26 Aroostook Micmac Council stating that the person described is a Native American and a  
27 member of that nation, band or tribe. The commissioner may refuse to register a Native  
28 American that is otherwise prohibited from registering or from holding a recreational  
29 fishing license issued under Part 13. A registration under this subsection is valid for one  
30 year and may be renewed without a charge or fee.

31 8. Penalty. A person who violates this section commits a civil violation for which a  
32 fine of not less than \$100 may be adjudged.

33 9. Suspension. A person on the registry or holding a striped bass endorsement or a  
34 license issued under this section is subject to the applicable suspension provisions under  
35 chapter 617.

36 10. Collaboration on outreach efforts. The commissioner shall work with fishing  
37 and hunting groups and interested parties in the commissioner's efforts to notify and  
38 educate the public about the registry.

39 11. Report. The commissioner shall report registry information to the United States  
40 Department of Commerce, National Oceanic and Atmospheric Administration in a form  
41 and manner as required by the National Oceanic and Atmospheric Administration.

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

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

6 **MARINE RESOURCES, DEPARTMENT OF**

7 **Bureau of Resource Management 0027**

8 Initiative: Provides funding for 2 seasonal Marine Patrol Officer positions, one full-time  
9 Marine Patrol Officer position, one part-time Marine Resource Scientist IV position, one  
10 part-time Marine Resource Scientist III position, one full-time Marine Resource  
11 Specialist I position, one full-time Marine Resource Scientist I position, 2 part-time  
12 Marine Resource Specialist I positions and 4 Conservation Aide positions and related All  
13 Other costs to administer, maintain and enforce the newly created saltwater recreational  
14 fishing registry.

15	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
16	Personal Services	\$0	\$76,882
17	All Other	\$0	\$85,434
18			
19	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$162,316</b>

20 **Sec. 4. Effective date.** This Act takes effect January 1, 2011.

21 **SUMMARY**

22 This amendment is the majority report, replaces the bill and does the following:

23 1. It creates a saltwater recreational fishing registry administered by the Department  
24 of Marine Resources to register persons engaged in saltwater recreational fishing;

25 2. It creates a striped bass endorsement and a commercial operator's license and  
26 requires that individuals fishing for striped bass obtain an endorsement and captains of  
27 vessels licensed to carry passengers for hire for saltwater recreational fishing obtain a  
28 commercial operator's license;

29 3. It sets striped bass endorsement fees for residents at \$5 and nonresidents at \$15  
30 and creates a \$10 resident lifetime striped bass endorsement for a person 70 years of age  
31 or older. It sets the fee for a commercial operator's license at \$50;

32 4. It directs that revenue raised from the striped bass endorsement and commercial  
33 operator's license be deposited in the Marine Recreation Fishing Conservation and  
34 Management Fund;

35 5. It provides that clerks or other agents appointed by the Commissioner of Marine  
36 Resources to register people on the saltwater recreational fishing registry, issue striped  
37 bass endorsements or issue commercial operator's licenses shall charge a fee of \$2 for  
38 each person registered, issued a striped bass endorsement or issued a commercial

1 operator's license. It also provides that the commissioner shall charge a fee of \$1 for each  
2 registration taken, endorsement issued or commercial operator's license provided by  
3 department employees;

4 6. It makes a violation of the registration, endorsement or license requirements a civil  
5 violation for which a fine of not less than \$100 may be adjudged;

6 7. It provides that a person on the registry or who holds a striped bass endorsement  
7 or a license issued under this amendment is subject to the applicable suspension  
8 provisions under marine resources laws;

9 8. It provides that members of a federally recognized Indian tribe in Maine  
10 recreationally fishing in salt water must register annually free of charge;

11 9. It provides an exemption to the registration and striped bass endorsement  
12 requirements for a person under 16 years of age, a person with a disability, a passenger on  
13 board a vessel captained by an individual who holds a commercial operator's license, a  
14 person renting a smelt fishing camp from a commercial operator that holds a commercial  
15 operator's license, a disabled veteran and a resident fishing on July 4th, Labor Day  
16 weekend or Memorial Day weekend;

17 10. It provides that a person holding a valid New Hampshire saltwater recreational  
18 fishing license may fish in salt water in the area from Maine's southern border to Cape  
19 Neddick;

20 11. It directs the commissioner to work with fishing and hunting groups and other  
21 interested parties to notify and educate the public about the saltwater recreational fishing  
22 registry;

23 12. It requires the commissioner to report registry information to the United States  
24 Department of Commerce, National Oceanic and Atmospheric Administration in a form  
25 and manner as required by the National Oceanic and Atmospheric Administration;

26 13. It sets an effective date of January 1, 2011; and

27 14. It adds an appropriations and allocations section.

28 **FISCAL NOTE REQUIRED**

29  
30 (See attached)



# 124th MAINE LEGISLATURE

LD 1432

LR 1889(18)

## An Act To Create a Saltwater Recreational Fishing Registry

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

Committee: Marine Resources

Fiscal Note Required: Yes

### Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$162,316	\$665,609	\$875,486
<b>Revenue</b>				
Other Special Revenue Funds	\$0	\$248,530	\$912,788	\$1,170,650

### 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. There would be no fee for registration except for individuals who require a striped bass endorsement. Individuals requiring a commercial operators license would also need to pay a fee for that license. These fees would be deposited to the newly created Marine Recreation Fishing Conservation and Management Fund. The new striped bass endorsement and commercial operators license fee are estimated to increase Other Special Revenue Funds revenue by \$248,530 in fiscal year 2010-11. This revenue estimate is based upon the average number of saltwater anglers over the past 9 years and assumes that 80% of those individuals would require the striped bass endorsement. It also assumes 133 commercial operators licenses. Since these fees are new, the revenue estimate assumes a 20% participation rate in the first year.

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.

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.