

# 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)



# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

---

Legislative Document

No. 1432

S.P. 516

In Senate, April 7, 2009

### An Act To Create a Saltwater Recreational Fishing Registry

(AFTER DEADLINE)

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator TRAHAN of Lincoln.  
Cosponsored by Representative McKANE of Newcastle and  
Senators: BRYANT of Oxford, RAYE of Washington, RECTOR of Knox, Representatives:  
CLARK of Millinocket, EATON of Sullivan, KRUGER of Thomaston, MacDONALD of  
Boothbay, PENDLETON of Scarborough.

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

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

3 **§6312. Saltwater recreational fishing**

4 A person may not engage in saltwater recreational fishing or land or possess fish  
5 taken from salt water without registering pursuant to section 12514. The commissioner  
6 may designate the methods of fishing or the saltwater areas for which registration is  
7 required under this section. The commissioner may adopt rules to carry out the purposes  
8 of this section. Rules adopted pursuant to this section are routine technical rules under  
9 Title 5, chapter 375, subchapter 2-A.

10 Sec. 2. 12 MRSA §12514 is enacted to read:

11 **§12514. Saltwater recreational fishing**

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

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

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

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

21 2. Saltwater recreational fishing registry. The commissioner shall administer and  
22 maintain a registry of persons who engage in saltwater recreational fishing under section  
23 6312. A person who engages in saltwater recreational fishing or lands or possesses fish  
24 taken from salt water in the State must register annually with the commissioner pursuant  
25 to this section.

26 3. Registry procedures. A person may register pursuant to subsection 2 through an  
27 agent under section 12501 or a publicly accessible online electronic system used to  
28 purchase fishing licenses operated by the department. A person purchasing a fishing  
29 license under section 12501 must be asked if the person intends to fish in salt water for  
30 that calendar year. If the person answers in the affirmative, the person must be informed  
31 of the requirements under this section.

32 4. Registry information. The registry must contain the following information for  
33 each person registered:

34 A. Name;

35 B. Address;

36 C. Date of birth; and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

D. Telephone number.

**5. Exemptions.** The following persons are exempted from this section:

A. A person under 16 years of age;

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

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

D. A person with a disability;

E. A disabled veteran; or

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

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

**7. Enforcement.** Until September 30, 2011, a person who violates this section must be issued an informational brochure developed by the commissioner to educate and inform the person on the requirements of this section. Beginning October 1, 2011, a person who violates this section commits a civil violation for which a fine of not less than \$100 may be adjudged.

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

**Sec. 3. Commissioner to execute memorandum of agreement.** By January 1, 2010, the Commissioner of Inland Fisheries and Wildlife shall initiate negotiations for and execute a memorandum of agreement with the United States Department of Commerce, National Oceanic and Atmospheric Administration pursuant to the provisions of 50 Code of Federal Regulations, Section 600.1415 (2009).

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

**MARINE RESOURCES, DEPARTMENT OF**

**Bureau of Resource Management 0027**

Initiative: Deappropriates funds from the recreational fishing program to fund the saltwater recreational fishing registry under the Department of Inland Fisheries and Wildlife.

|    |                                                                                            |                   |                   |
|----|--------------------------------------------------------------------------------------------|-------------------|-------------------|
| 1  | <b>GENERAL FUND</b>                                                                        | <b>2009-10</b>    | <b>2010-11</b>    |
| 2  | All Other                                                                                  | (\$12,000)        | (\$12,000)        |
| 3  |                                                                                            |                   |                   |
| 4  | <b>GENERAL FUND TOTAL</b>                                                                  | <u>(\$12,000)</u> | <u>(\$12,000)</u> |
| 5  |                                                                                            |                   |                   |
| 6  | <b>MARINE RESOURCES, DEPARTMENT OF</b>                                                     |                   |                   |
| 7  | <b>DEPARTMENT TOTALS</b>                                                                   | <b>2009-10</b>    | <b>2010-11</b>    |
| 8  |                                                                                            |                   |                   |
| 9  | <b>GENERAL FUND</b>                                                                        | <u>(\$12,000)</u> | <u>(\$12,000)</u> |
| 10 | <b>INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF</b>                                        |                   |                   |
| 11 | <b>Saltwater Recreational Fishing Registry</b>                                             |                   |                   |
| 12 | Initiative: Appropriates funds to create and administer the saltwater recreational fishing |                   |                   |
| 13 | registry.                                                                                  |                   |                   |
| 14 |                                                                                            |                   |                   |
| 15 | <b>GENERAL FUND</b>                                                                        | <b>2009-10</b>    | <b>2010-11</b>    |
| 16 | All Other                                                                                  | \$12,000          | \$12,000          |
| 17 |                                                                                            |                   |                   |
| 18 | <b>GENERAL FUND TOTAL</b>                                                                  | <u>\$12,000</u>   | <u>\$12,000</u>   |
| 19 |                                                                                            |                   |                   |
| 20 | <b>INLAND FISHERIES AND WILDLIFE,</b>                                                      |                   |                   |
| 21 | <b>DEPARTMENT OF</b>                                                                       |                   |                   |
| 22 | <b>DEPARTMENT TOTALS</b>                                                                   | <b>2009-10</b>    | <b>2010-11</b>    |
| 23 |                                                                                            |                   |                   |
| 24 | <b>GENERAL FUND</b>                                                                        | <u>\$12,000</u>   | <u>\$12,000</u>   |
| 25 |                                                                                            |                   |                   |
| 26 | <b>SECTION TOTALS</b>                                                                      | <b>2009-10</b>    | <b>2010-11</b>    |
| 27 |                                                                                            |                   |                   |
| 28 | <b>GENERAL FUND</b>                                                                        | \$0               | \$0               |
| 29 |                                                                                            |                   |                   |
| 30 | <b>SECTION TOTAL - ALL FUNDS</b>                                                           | <u>\$0</u>        | <u>\$0</u>        |

31 **SUMMARY**

32 This bill creates the saltwater recreational fishing registry to register persons engaged  
33 in saltwater recreational fishing to be administered by the Department of Inland Fisheries  
34 and Wildlife through the department's existing program to issue fishing licenses. The bill  
35 directs the Commissioner of Inland Fisheries and Wildlife to negotiate a memorandum of  
36 agreement with the United States Department of Commerce, National Oceanic and  
37 Atmospheric Administration to exempt the State from a federal registry if the State  
38 submits data from the saltwater recreational fishing registry created by this bill. This bill

1  
2

deappropriates \$12,000 from the Department of Marine Resources recreational fishing program to fund the saltwater recreational fishing registry.