

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1724

S.P. 657

In Senate, January 6, 2010

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**An Act To Create a Commercial Pelagic and Anadromous Fishing  
License and Establish the Pelagic and Anadromous Fisheries Fund**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.  
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 DAMON of Hancock.  
Cosponsored by Representative PERCY of Phippsburg.

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

2           **Sec. 1. 12 MRSA §6041** is enacted to read:

3           **§6041. Pelagic and Anadromous Fisheries Fund**

4           The Pelagic and Anadromous Fisheries Fund, referred to in this section as "the fund,"  
5           is established within the department. Balances in the fund may not lapse and must be  
6           carried forward to the next fiscal year.

7           **1. Uses of fund.** The commissioner shall use the fund for research directly related to  
8           pelagic or anadromous fishery management and the processing of landings data. The  
9           commissioner may authorize the expenditure of money in the fund for research and  
10           development programs that address the restoration, development or conservation of  
11           pelagic or anadromous fish resources.

12           **2. Sources of revenue.** The fund is capitalized by surcharges assessed under section  
13           6502-A, subsection 7. In addition to those revenues, the commissioner may accept and  
14           deposit in the fund money from any other source, public or private.

15           **Sec. 2. 12 MRSA §6502-A** is enacted to read:

16           **§6502-A. Commercial pelagic and anadromous fishing license**

17           **1. Definition.** As used in this section, "pelagic or anadromous fish" means Atlantic  
18           herring, Atlantic menhaden, whiting, spiny dogfish, alewife, Atlantic mackerel, blueback  
19           herring, squid, butterfish, scup, black sea bass, smelt and shad.

20           **2. License required.** A person may not engage in the activities authorized under  
21           this section without a current:

22           A. Commercial pelagic and anadromous fishing license for a resident operator;

23           B. Commercial pelagic and anadromous fishing license for a resident operator and  
24           all crew members; or

25           C. Commercial pelagic and anadromous fishing license for a nonresident operator  
26           and all crew members.

27           **3. Licensed activity.** The holder of a commercial pelagic and anadromous fishing  
28           license may fish for or take or possess, ship, transport or sell pelagic or anadromous fish  
29           that the holder has taken. The license authorizes crew members aboard the licensee's boat  
30           when it is engaged in fishing for pelagic or anadromous fish to undertake these activities  
31           if the license provides for crew members.

32           **4. Exemption.** The licensing requirement under subsection 1 does not apply to a  
33           person who fishes for, takes, possesses or transports any pelagic or anadromous fish that  
34           have been taken by speargun, harpoon, minnow trap or hook and line and are only for  
35           personal use.

