

MAINE STATE LEGISLATURE

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Date: 5-19-11

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MARINE RESOURCES

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

STATE OF MAINE

SENATE

125TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 60, L.D. 210, Bill, "An Act Regarding the Saltwater Recreational Fishing Registry"

Amend the bill by striking out all of sections 2 to 4 and inserting the following:

'Sec. 2. 12 MRSA §6312, as enacted by PL 2009, c. 559, §2 and affected by §4, is amended 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. "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.

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

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 in the coastal waters of the State. 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 at a minimum contain the name, address, date of birth and telephone number for each person registered. Only an individual may register.

3. Registration required. A Unless the registry is suspended by rule under subsection 16, a person may not engage in saltwater recreational fishing in the coastal waters of the State or land or possess fish taken from salt water the coastal waters of the State without registering pursuant to this section except that the following persons are exempt from this prohibition and the endorsement requirement under subsection 4:

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- 1 A. A person under 16 years of age;
- 2 B. A passenger on board a vessel captained by an individual who possesses a valid
- 3 ~~commercial~~ recreational fishing operator's license pursuant to subsection 5;
- 4 C. A person renting a smelt fishing camp from an operator that possesses a valid
- 5 ~~commercial~~ recreational fishing operator's license pursuant to subsection 5;
- 6 ~~D. A person with a disability;~~
- 7 ~~E. A disabled veteran;~~
- 8 ~~F. A person that possesses a valid New Hampshire saltwater recreational fishing~~
- 9 ~~license that meets the requirements of 50 Code of Federal Regulations, Sections~~
- 10 ~~600.1415 and 600.1416 (2009) engaging in recreational saltwater fishing from the~~
- 11 ~~State's southern border to Cape Neddick; and~~
- 12 ~~G. A resident fishing on July 4th, Labor Day weekend or Memorial Day weekend.~~
- 13 H. A person who has employed the guiding services of an individual who possesses
- 14 a current guide license for tidewater fishing as provided by rule pursuant to section
- 15 12853 and a valid recreational fishing operator's license pursuant to subsection 5;
- 16 I. A person fishing from a dock, pier or wharf that is owned by an individual who
- 17 possesses a valid recreational fishing operator's license pursuant to subsection 5;
- 18 J. A person who holds and presents upon demand a current and valid registration or
- 19 license to engage in saltwater recreational fishing by a state that has been designated
- 20 as an exempted state under 50 Code of Federal Regulations, Section 600.1415;
- 21 K. A person registered on the National Saltwater Angler Registry through the United
- 22 States Department of Commerce, National Oceanic and Atmospheric Administration;
- 23 L. A member of the Passamaquoddy Tribe, if the Passamaquoddy Tribe certifies to
- 24 the commissioner that it will collect the registry data required under subsection 2
- 25 from tribal members who engage in saltwater recreational fishing and report the data
- 26 to the commissioner;
- 27 M. A member of the Penobscot Nation, if the Penobscot Nation certifies to the
- 28 commissioner that it will collect the registry data required under subsection 2 from
- 29 members of the Penobscot Nation who engage in saltwater recreational fishing and
- 30 report the data to the commissioner;
- 31 N. A member of the Houlton Band of Maliseet Indians, if the Houlton Band of
- 32 Maliseet Indians certifies to the commissioner that it will collect the registry data
- 33 required under subsection 2 from band members who engage in saltwater recreational
- 34 fishing and report the data to the commissioner; and
- 35 O. A member of the Aroostook Band of Micmacs, if the Aroostook Band of
- 36 Micmacs certifies to the commissioner that it will collect the registry data required
- 37 under subsection 2 from band members who engage in saltwater recreational fishing
- 38 and report the data to the commissioner.
- 39 Registration does not authorize a person ~~registered on the registry~~ to sell fish taken
- 40 pursuant to the registry.

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A person who has indicated on a valid freshwater fishing license issued under Part 13 ~~that whether or not the person engaged in saltwater recreational fishing during the prior year or plans to engage in saltwater recreational fishing during the period covered by the freshwater fishing license is not required to register under this subsection, and residents of the State who make that indication are not required to obtain a striped bass endorsement under subsection 4.~~ The Department of Inland Fisheries and Wildlife shall provide registry data from persons exempted under this subsection regarding saltwater recreational fishing by these persons to the ~~federal or state agency responsible for monitoring saltwater recreational fishing department~~ at a time and manner as determined by ~~that agency~~ the department.

A person who has indicated on a valid commercial fishing license issued under this Part whether or not the person engaged in saltwater recreational fishing during the prior year is not required to register under this subsection. The department shall collect data regarding saltwater recreational fishing by these persons exempted under this subsection.

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

- ~~A. Five dollars for a resident;~~
- ~~B. Fifteen dollars for a nonresident; and~~
- ~~C. Ten dollars for a resident lifetime striped bass endorsement for an applicant who is 70 years of age or older. A resident lifetime striped bass endorsement is valid for one year and may be renewed free of charge.~~

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

~~5. Recreational fishing operator's license. The following persons must possess are eligible to hold a valid commercial recreational fishing operator's license issued by the commissioner or a clerk or agent appointed by the commissioner pursuant to subsection 6:~~

- ~~A. A captain of a vessel licensed to carry passengers for hire for saltwater recreational fishing; and~~
- ~~B. A person operating a business that rents smelt fishing camps for saltwater recreational smelt fishing;~~
- ~~C. A person who owns a private dock, pier or wharf and makes that wharf available to customers for the purpose of recreational fishing as part of a commercial enterprise; and~~
- ~~D. An individual who possesses a current guide license for tidewater fishing as provided by rule pursuant to section 12853.~~

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

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1 A person who holds a recreational fishing operator's license shall collect data from
2 persons who engage in saltwater recreational fishing and report the data to the
3 commissioner as specified by the commissioner by rule.

4 There is no fee for a recreational fishing operator's license.

5 ~~6. **Agent fee.** A clerk or other agent appointed by the commissioner to register a~~
6 ~~person on the registry, issue a commercial operator's license or issue a striped bass~~
7 ~~endorsement under this section shall charge a person a fee of \$2 for each registration,~~
8 ~~license or endorsement issued to that person by that clerk or agent. The commissioner~~
9 ~~shall charge a fee of \$1 for each registration, license or endorsement taken by a~~
10 ~~department employee.~~

11 ~~7. **Native American.** Upon application, the commissioner shall register a member~~
12 ~~of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians~~
13 ~~or the Aroostook Band of Micmacs on the registry without a charge or fee if the Native~~
14 ~~American presents a certificate from the respective reservation tribal clerk or the~~
15 ~~Aroostook Micmac Council stating that the person described is a Native American and a~~
16 ~~member of that nation, band or tribe. The commissioner may refuse to register a Native~~
17 ~~American that is otherwise prohibited from registering or from holding a recreational~~
18 ~~fishing license issued under Part 13. A registration under this subsection is valid for one~~
19 ~~year and may be renewed without a charge or fee.~~

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

22 **9. Suspension.** A person on the registry ~~or holding a striped bass endorsement or a~~
23 ~~license issued under this section~~ is subject to the applicable suspension provisions under
24 chapter 617.

25 **10. Collaboration on outreach efforts.** The commissioner shall work with fishing
26 and hunting groups and interested parties in the commissioner's efforts to notify and
27 educate the public about the registry.

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

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

34 **13. Registration expiration.** A registration issued under this section is valid until
35 December 31st of the year in which it was issued. If applicable federal requirements
36 allow, the commissioner may by rule extend the period for which a registration is valid.

37 **14. Registry procedures.** A person may register pursuant to this section through an
38 agent appointed by the Department of Inland Fisheries and Wildlife to issue licenses
39 under section 12501, through a publicly accessible online electronic system for
40 registration operated by the department or at the department through a department
41 employee.

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1 15. Agent fees. A fee may not be charged for registering under this section. A
2 person registering through an agent under section 12501 may be charged an agent fee of
3 \$2 if the only transaction conducted by that person is registering on the registry. A
4 person registering on a publicly accessible online electronic system for registration may
5 be charged an agent fee of \$1. A person registering at the department with a department
6 employee may be charged an agent fee of \$1.

7 16. Termination of registry requirement. If the Marine Recreational Information
8 Program administered by the United States Department of Commerce, National Oceanic
9 and Atmospheric Administration does not receive funding to conduct surveys and
10 perform data analysis, the department by rule shall suspend the registry. If the
11 department suspends the registry, a person is not required to register under this section in
12 order to engage in saltwater recreational fishing.

13 **Sec. 3. Appropriations and allocations.** The following appropriations and
14 allocations are made.

15 **INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

16 **Licensing Services - Inland Fisheries and Wildlife 0531**

17 Initiative: Provides funding for computer programming and database storage costs.

18	GENERAL FUND	2010-11	2011-12	2012-13
19	All Other	\$3,800	\$6,180	\$6,365
20				
21	GENERAL FUND TOTAL	<u>\$3,800</u>	<u>\$6,180</u>	<u>\$6,365</u>

22	INLAND FISHERIES AND			
23	WILDLIFE, DEPARTMENT OF			
24	DEPARTMENT TOTALS	2010-11	2011-12	2012-13
25				
26	GENERAL FUND	\$3,800	\$6,180	\$6,365
27				
28	DEPARTMENT TOTAL - ALL	<u>\$3,800</u>	<u>\$6,180</u>	<u>\$6,365</u>
29	FUNDS			

30 **MARINE RESOURCES, DEPARTMENT OF**

31 **Bureau of Resource Management 0027**

32 Initiative: Reduces allocations as a result of repealing the provisions of PL 2009, c. 559,
33 An Act To Create a Saltwater Recreational Fishing Registry.

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1	OTHER SPECIAL REVENUE	2010-11	2011-12	2012-13
2	FUNDS			
3	Personal Services	(\$76,882)	\$0	\$0
4	All Other	(\$85,434)	(\$55,433)	(\$55,433)
5				
6	OTHER SPECIAL REVENUE	<u>(\$162,316)</u>	<u>(\$55,433)</u>	<u>(\$55,433)</u>
7	FUNDS TOTAL			

8 **Office of the Commissioner 0258**
 9 Initiative: Provides an allocation for supplies related to printing registrations received by
 10 the department.

11	OTHER SPECIAL REVENUE	2010-11	2011-12	2012-13
12	FUNDS			
13	All Other	\$400	\$500	\$500
14				
15	OTHER SPECIAL REVENUE	<u>\$400</u>	<u>\$500</u>	<u>\$500</u>
16	FUNDS TOTAL			

17	MARINE RESOURCES,			
18	DEPARTMENT OF			
19	DEPARTMENT TOTALS	2010-11	2011-12	2012-13
20				
21	OTHER SPECIAL REVENUE	(\$161,916)	(\$54,933)	(\$54,933)
22	FUNDS			
23				
24	DEPARTMENT TOTAL - ALL	<u>(\$161,916)</u>	<u>(\$54,933)</u>	<u>(\$54,933)</u>
25	FUNDS			

26	SECTION TOTALS	2010-11	2011-12	2012-13
27				
28	GENERAL FUND	\$3,800	\$6,180	\$6,365
29	OTHER SPECIAL REVENUE	(\$161,916)	(\$54,933)	(\$54,933)
30	FUNDS			
31				
32	SECTION TOTAL - ALL FUNDS	<u>(\$158,116)</u>	<u>(\$48,753)</u>	<u>(\$48,568)</u>
33				

34 **SUMMARY**
 35 This amendment makes the following changes:

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- 1 1. It keeps the saltwater recreational fishing registry under the jurisdiction of the
2 Department of Marine Resources instead of the Department of Inland Fisheries and
3 Wildlife;
- 4 2. It removes the exemption from paying an agent fee for registering for a disabled
5 veteran; a person who is physically or mentally incapacitated; and a resident fishing on
6 July 4th, Memorial Day weekend or Labor Day weekend;
- 7 3. It increases by \$1 the fee an agent may charge to a person registering through a
8 Department of Inland Fisheries and Wildlife agent if the only transaction conducted by
9 that person is registering. It also allows a \$1 agent fee to be charged to a person
10 registering online or at the department;
- 11 4. It requires a person who engages in saltwater recreational fishing in the coastal
12 waters of the State to register on the registry, unless the person is exempt;
- 13 5. It provides a free recreational fishing operator's license for the following: a captain
14 of a vessel licensed to carry passengers for hire for saltwater recreational fishing; an
15 operator of a smelt fishing camp; an owner of a dock, pier or wharf available to
16 customers for recreational fishing; and an individual who possesses a current guide
17 license for tidewater fishing. A passenger on board a licensed vessel, a person who rents a
18 licensed smelt fishing camp, a person who employs a licensed guide and a person who
19 fishes from a licensed dock, pier or wharf are exempt from registering on the registry and
20 paying agent fees;
- 21 6. Members of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of
22 Maliseet Indians and Aroostook Band of Micmacs are exempt from registering and
23 paying agent fees if their tribes collect registry data and submit the data to the
24 Commissioner of Marine Resources;
- 25 7. A person registered in an exempted state or registered on the National Saltwater
26 Angler Registry through the United States Department of Commerce, National Oceanic
27 and Atmospheric Administration is exempt from registering in Maine;
- 28 8. A person who has indicated on a valid freshwater fishing license whether or not
29 the person engaged in saltwater recreational fishing during the prior year is not required
30 to register. The Department of Inland Fisheries and Wildlife is required to provide
31 registry data on these persons to the Department of Marine Resources;
- 32 9. A person who has indicated on a valid commercial fishing license whether or not
33 the person engaged in saltwater recreational fishing during the prior year is not required
34 to register. The Department of Marine Resources is required to collect data on these
35 persons;
- 36 10. It continues to provide for a fine of not less than \$100 and removes the provision
37 that a person who violates registration requirements 3 or more times within the previous 5
38 years commits a Class E crime;
- 39 11. It provides that the registration expires on December 31st of the year in which it
40 was issued; if federal requirements allow, the commissioner is allowed to extend the
41 period of time for which a registration is valid;

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12. It provides that a person can register through a Department of Inland Fisheries and Wildlife agent, through a publicly accessible online electronic system operated by the Department of Marine Resources or at the Department of Marine Resources; and

13. It adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



125th MAINE LEGISLATURE

LD 210

LR 74(02)

An Act Regarding the Saltwater Recreational Fishing Registry

Fiscal Note for Bill as Amended by Committee Amendment "A" S-136

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

	FY 2010-11	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Net Cost (Savings)					
General Fund	\$3,800	\$6,180	\$6,365	\$6,556	\$6,753
Appropriations/Allocations					
General Fund	\$3,800	\$6,180	\$6,365	\$6,556	\$6,753
Other Special Revenue Funds	(\$161,916)	(\$54,933)	(\$54,933)	\$500	\$500
Revenue					
Other Special Revenue Funds	(\$188,424)	(\$729,730)	(\$936,020)	\$500	\$500

Fiscal Detail and Notes

This bill repeals the existing striped bass endorsement registry requirement and related fees (included within PL 2009, c. 559) and requires that certain individuals engaging in saltwater recreational fishing register at no cost to the individual. Revenues recognized from the fees assessed in PL 2009, c. 559 have been reversed. Allocations included in PL 2009, c. 559 for costs associated with the registry have also been reversed. The costs reversed in 2011-12 and 2012-13 equal costs above baseline and included within the Governor's Proposed 2012-2013 Biennial Budget.

The Department of Marine Resources may charge a \$1 agent fee for persons registering with the department. It is estimated that Other Special Revenue Funds revenue to the Department of Marine Resources will increase by \$400 in fiscal year 2010-11 and \$500 in fiscal year 2011-12 and beyond and will cover the costs of printing registrations for persons registering at the department's office. The bill includes a General Fund appropriation to the Department of Inland Fisheries and Wildlife of \$3,800 in fiscal year 2010-11 and \$6,180 in fiscal year 2011-12 for computer programming and database storage fees. Since the number of items processed by the Department of Inland Fisheries and Wildlife will be increased by these registrations, it is possible that there could be delays in processing time. Additionally, any enforcement related to this registry would be performed by existing Marine Patrol Officers.