

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 electronic originals
(may include minor formatting differences from printed original)



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 210

S.P. 60

In Senate, January 27, 2011

An Act Regarding the Saltwater Recreational Fishing Registry

(EMERGENCY)

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.

Secretary of the Senate

Presented by Senator TRAHAN of Lincoln.

Cosponsored by Speaker NUTTING of Oakland and

Senators: COLLINS of York, LANGLEY of Hancock, President RAYE of Washington,
SCHNEIDER of Penobscot, SNOWE-MELLO of Androscoggin, Representatives: CLARK of
Millinocket, SANDERSON of Chelsea, TILTON of Harrington.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** for the efficient management of the saltwater recreational fishery, this Act
4 must take effect before the spring fishing season begins; and

5 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
6 the meaning of the Constitution of Maine and require the following legislation as
7 immediately necessary for the preservation of the public peace, health and safety; now,
8 therefore,

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

10 **Sec. 1. 12 MRSA §6032,** as repealed and replaced by PL 2009, c. 559, §1 and
11 affected by §4, is repealed.

12 **Sec. 2. 12 MRSA §6312,** as enacted by PL 2009, c. 559, §2 and affected by §4, is
13 repealed.

14 **Sec. 3. 12 MRSA §12514** is enacted to read:

15 **§12514. Saltwater recreational fishing registry**

16 **1. Saltwater recreational fishing registry established.** The commissioner shall
17 establish, administer and maintain an annual registry of persons who engage in saltwater
18 recreational fishing. The registry must contain the name, address, date of birth and
19 telephone number for each person registered. For purposes of registering on the saltwater
20 recreational fishing registry, the commissioner shall allow a person to register through an
21 online system or an agent and may allow a person to register in conjunction with the
22 purchase of a valid freshwater fishing license for the period covered by the freshwater
23 fishing license. The department shall provide registry data to the federal or state agency
24 responsible for monitoring saltwater recreational fishing at a time and manner as
25 determined by that agency.

26 **2. Registration required; exceptions.** Except as provided in this subsection, a
27 person may not engage in saltwater recreational fishing or land or possess fish taken from
28 salt water without registering on the saltwater recreational fishing registry pursuant to this
29 section. The requirement to register does not apply to:

30 A. A person under 16 years of age;

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

34 C. A person who is physically or mentally incapacitated as determined by the
35 commissioner;

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

4 E. A person who is registered or licensed to engage in saltwater recreational fishing
5 in another jurisdiction if the registration or licensing requirements of that jurisdiction
6 meet the requirements of 50 Code of Federal Regulations, Sections 600.1415 and
7 600.1416 (2009);

8 F. An individual renting a smelt fishing camp from a commercial operator for
9 recreational saltwater smelt fishing if that operator has registered with the
10 commissioner in a manner determined by the commissioner; and

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

12 **3. Penalty.** The following penalties apply to a violation of subsection 2.

13 A. A person who violates subsection 2 commits a civil violation for which a fine of
14 not less than \$100 nor more than \$500 may be adjudged.

15 B. A person who violates subsection 2 after having been adjudicated as having
16 committed 3 or more civil violations under this Part within the previous 5-year period
17 commits a Class E crime.

18 **4. Fees.** A fee for registering on the saltwater recreational fishing registry may not
19 be established or levied. Notwithstanding any other provision of law to the contrary, a
20 person registering through an agent or an online licensing and registration system may
21 not be charged an agent fee under section 12501, subsection 3 or a fee for using the
22 online licensing and registration system except that a person registering through an agent
23 may be charged an agent fee of \$1 if the only transaction conducted by that person is
24 registering on the registry.

25 **5. Administration and enforcement; funding.** The commissioner shall administer
26 the provisions of this section within the department's existing resources. The
27 commissioner and the Commissioner of Marine Resources shall work with the State's
28 congressional delegation to seek federal funding for purposes of this section. The
29 commissioner and the Commissioner of Marine Resources may not expand enforcement
30 activities under this subsection beyond existing department resources unless federal
31 funding is secured to cover the costs of those expanded enforcement operations.

32 **Sec. 4. Marine Recreation Fishing Conservation and Management Fund;**
33 **use of remaining funds.** The Commissioner of Marine Resources shall use funds
34 remaining on the effective date of this Act in the Marine Recreation Fishing Conservation
35 and Management Fund established under Title 12, section 6032, subsection 1 for
36 research, conservation and enforcement efforts related to the saltwater recreational
37 fishery.

38 **Emergency clause.** In view of the emergency cited in the preamble, this
39 legislation takes effect when approved.

1 **SUMMARY**

2 This bill repeals the laws that established the current saltwater recreational fishing
3 registry and the Marine Recreation Fishing Conservation and Management Fund and does
4 the following.

5 1. It establishes a saltwater recreational fishing registry under the jurisdiction of the
6 Department of Inland Fisheries and Wildlife.

7 2. It directs the Commissioner of Inland Fisheries and Wildlife to establish a registry
8 system that allows a person to register online, through an agent or in conjunction with the
9 purchase of a freshwater fishing license.

10 3. It provides that a fee or online system fee, and in most cases an agent fee, may not
11 be charged to a person registering on the registry.

12 4. It requires the Commissioner of Inland Fisheries and Wildlife to administer the
13 saltwater recreational fishing registry within the department's existing resources and
14 provides that the Commissioner of Inland Fisheries and Wildlife and the Commissioner
15 of Marine Resources may not expand enforcement activities regarding the registry
16 beyond existing department resources unless federal funding is secured to cover the costs
17 of those expanded enforcement operations.