

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1770

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H.P. 1321

House of Representatives, December 2, 2021

### **An Act To Create a Commercial Halibut Fishing License**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 203.

Received by the Clerk of the House on November 30, 2021. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative HEPLER of Woolwich.

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

2 **Sec. 1. 12 MRSA §6039, sub-§1**, as enacted by PL 2007, c. 615, §6, is amended to  
3 read:

4 **1. Sources.** The fund is capitalized by fees assessed under section 6506, subsections  
5 4 and 5 and received through the sale of commercial halibut fishing licenses and tags. In  
6 addition to those revenues, the commissioner may accept and deposit into the fund money  
7 from any other source, public or private. All money in the fund must be used for the  
8 purposes set forth in this section.

9 **Sec. 2. 12 MRSA §6302-A, sub-§1**, as amended by PL 2019, c. 640, §2, is further  
10 amended to read:

11 **1. Tribal exemption; commercial harvesting licenses.** A member of the  
12 Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band  
13 of Maliseet Indians who is a resident of the State is not required to hold a state license or  
14 permit issued under section 6421, 6501, 6502-A, 6502-C, 6505-A, 6505-C, 6506, 6535,  
15 6601, 6602, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6803, 6804  
16 or 6808 to conduct activities authorized under the state license or permit if that member  
17 holds a valid license issued by the tribe, nation or band or the agent of the band to conduct  
18 the activities authorized under the state license or permit. A member of the Passamaquoddy  
19 Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians  
20 issued a tribal license pursuant to this subsection to conduct activities is subject to all laws  
21 and rules applicable to a person who holds a state license or permit to conduct those  
22 activities and to all the provisions of chapter 625, except that the member of the tribe, nation  
23 or band:

24 A. May utilize lobster traps tagged with trap tags issued by the tribe, nation or band or  
25 the agent of the band in a manner consistent with trap tags issued pursuant to section  
26 6431-B. A member of the tribe, nation or band is not required to pay trap tag fees  
27 under section 6431-B if the tribe, nation or band or the agent of the band issues that  
28 member trap tags;

29 B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe, nation  
30 or band or the agent of the band in a manner consistent with tags issued pursuant to  
31 section 6505-B. A member of the tribe, nation or band is not required to pay elver  
32 fishing gear fees under section 6505-B if the tribe, nation or band or the agent of the  
33 band issues that member elver fishing gear tags; and

34 C. Is not required to hold a state shellfish license issued under section 6601 to obtain  
35 a municipal shellfish license pursuant to section 6671.

36 **Sec. 3. 12 MRSA §6501, sub-§3, ¶B**, as amended by PL 2011, c. 266, Pt. A, §14,  
37 is further amended to read:

38 B. A person may fish for, take, possess or transport halibut if they have been taken by  
39 tub trawl or by hook and line and are only for personal use.

40 This paragraph is repealed January 1, 2023.

41 **Sec. 4. 12 MRSA §6501, sub-§6**, as amended by PL 2011, c. 598, §21, is further  
42 amended to read:

1           **6. Definition.** For the purposes of this chapter, "fish" means all marine finfish except  
2 Atlantic herring, Atlantic menhaden, whiting, spiny dogfish, river herring, Atlantic  
3 mackerel, blueback herring, squid, butterfish, scup, black sea bass, smelt ~~and~~, shad and  
4 Atlantic halibut. For the purposes of this chapter, "fish" also means all other marine  
5 organisms, except lobsters, crabs, sea urchins, shellfish, scallops, marine worms, elvers,  
6 sea cucumbers, eels, shrimp or seaweed.

7           **Sec. 5. 12 MRSA §6506** is enacted to read:

8           **§6506. Commercial halibut fishing license**

9           **1. License required.** Beginning January 1, 2023, a person may not engage in the  
10 activities authorized under this section without a current:

11           A. Commercial halibut fishing license for a resident operator;

12           B. Commercial halibut fishing license for a resident operator and all crew members; or

13           C. Commercial halibut fishing license for a nonresident operator and all crew members.

14           **2. Licensed activity; commercial license.** The holder of a commercial halibut fishing  
15 license may fish for, take, possess, ship, transport or sell halibut that the holder has taken.  
16 A commercial halibut fishing license for an operator and all crew members also authorizes  
17 the crew members aboard the vessel named on the license to fish for, take, possess, ship or  
18 transport halibut when the license holder is aboard the vessel.

19           **3. Eligibility.** A commercial halibut fishing license may be issued only to an individual.

20           **4. Fees.** Fees for commercial halibut fishing licenses are as follows:

21           A. For a commercial halibut fishing license for a resident operator, \$48;

22           B. For a commercial halibut fishing license for a resident operator and all crew  
23 members, \$128; and

24           C. For a commercial halibut fishing license for a nonresident operator and all crew  
25 members, \$481.

26           The commissioner shall deposit fees collected pursuant to this subsection in the Halibut  
27 Fund established under section 6039.

28           **5. Halibut tags.** The holder of a license issued under subsection 1 must annually  
29 purchase halibut tags to fish for or take halibut. A license holder may purchase an allotment  
30 of halibut tags only once per year. A vessel may have only one license holder's tags  
31 assigned to that vessel. The commissioner shall establish by rule the maximum number of  
32 halibut tags that may be issued to a license holder per year. The following fees apply to  
33 halibut tags:

34           A. For 5 halibut tags, \$5;

35           B. For 10 halibut tags, \$20;

36           C. For 15 halibut tags, \$45;

37           D. For 20 halibut tags, \$70; and

38           E. For 25 halibut tags, \$100;

39           The commissioner shall deposit fees collected pursuant to this subsection in the Halibut  
40 Fund established under section 6039.

