

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1444

H.P. 940

House of Representatives, March 30, 2023

**An Act to Amend the Laws Governing Eligibility Restrictions for
Commercial Menhaden Fishing Licenses**

(EMERGENCY)

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

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

ROBERT B. HUNT
Clerk

Presented by Representative FAULKINGHAM of Winter Harbor.
Cosponsored by Representatives: GIFFORD of Lincoln, HEPLER of Woolwich, STROUT of
Harrington, THORNE of Carmel, WILLIAMS of Bar Harbor.

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,** this legislation changes the eligibility restrictions for commercial
4 menhaden fishing licenses and needs to take effect as soon as possible to apply to the 2023
5 commercial menhaden fishing season; and

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

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

11 **Sec. 1. 12 MRSA §6502-C, sub-§1-A,** as enacted by PL 2021, c. 670, §1, is
12 amended to read:

13 **1-A. Commercial menhaden fishing license eligibility in 2023.** The commissioner
14 may not issue a 2023 resident commercial menhaden fishing license or a 2023 nonresident
15 commercial menhaden fishing license to an individual unless that individual:

16 A. Possessed a license to fish commercially for menhaden in at least 2 of the following
17 3 4 years, 2019, 2020 ~~or~~ 2021 or 2022; and

18 B. According to department records, reported legal landings of menhaden of 25,000
19 pounds or more in at least one of the following 4 years, 2019, 2020, 2021 or 2022.

20 Documentation, acceptable to the department, showing that the landing requirement in
21 this paragraph has been met must be submitted to the department by ~~January~~ July 1,
22 2023.

23 **Sec. 2. Report.** By January 15, 2024, the Commissioner of Marine Resources shall
24 submit a report to the Joint Standing Committee on Marine Resources with details on the
25 implementation of the Maine Revised Statutes, Title 12, section 6502-C, subsections 1-A
26 and 1-B. The committee has the authority to report out a bill to the Second Regular Session
27 of the 131st Legislature based on the report.

28 **Sec. 3. Retroactivity.** This Act applies retroactively to January 1, 2023.

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

31 **SUMMARY**

32 This bill changes one of the requirements for eligibility for a commercial menhaden
33 fishing license to provide that an individual must have possessed a license to fish
34 commercially for menhaden in at least 2 of the following 4 years, 2019, 2020, 2021 or
35 2022. It also provides that documentation showing that the landing requirement has been
36 met must be submitted to the Department of Marine Resources by July 1, 2023.