

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2025

S.P. 853

In Senate, December 13, 2023

**An Act to Provide for Medical and Vessel Breakdown License
Exceptions for Commercial Menhaden License Holders**

Submitted by the Department of Marine Resources pursuant to Joint Rule 203.
Received by the Secretary of the Senate on December 11, 2023. Referred to the Committee
on Marine Resources pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MOORE of Washington.

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

2 **Sec. 1. 12 MRSA §6502-C, sub-§2**, as enacted by PL 2019, c. 640, §4, is amended
3 to read:

4 **2. Licensed activity; commercial license.** The holder of a commercial menhaden
5 fishing license may fish for, take, possess, ship, transport or sell menhaden that the holder
6 has taken using the vessel named on the license. A commercial menhaden fishing license
7 also authorizes the crew members aboard the vessel named on the license to fish for, take,
8 possess, ship or transport menhaden when the license holder is aboard the vessel.

9 **Sec. 2. 12 MRSA §6502-C, sub-§2-A** is enacted to read:

10 **2-A. License exception; illness, disability.** Notwithstanding subsection 2, the
11 commissioner may temporarily authorize an individual other than the holder of a
12 commercial menhaden fishing license to fish for, take, possess, ship, transport or sell
13 menhaden when the license holder is not present if the license holder documents to the
14 commissioner that an illness or disability temporarily prevents the license holder from
15 fishing for or taking menhaden and requests in writing to the commissioner that the
16 commissioner authorize another holder of a commercial menhaden fishing license to fish
17 for or take menhaden from the license holder's vessel or the vessel named on the
18 temporarily authorized license holder's license. The commissioner's authorization may
19 require the temporarily authorized license holder to fish for, take, possess and land
20 menhaden separately from the temporarily authorized license holder's own menhaden to
21 ensure that harvest limits are not exceeded. A temporary authorization granted by the
22 commissioner to another license holder due to the illness or disability of the license holder
23 may not exceed one menhaden fishing season.

24 **Sec. 3. 12 MRSA §6502-C, sub-§2-B** is enacted to read:

25 **2-B. Exception to using the vessel named on the license holder's license for**
26 **commercial license holders.** Notwithstanding subsection 2, the commissioner may
27 temporarily authorize a holder of a commercial menhaden fishing license to use a vessel
28 other than the vessel named on that license holder's license to fish for, take, possess, ship
29 or transport menhaden if the license holder documents to the commissioner that the vessel
30 named on that license holder's license has become temporarily inoperable because of an
31 accident or a mechanical failure and requests in writing to the commissioner that the
32 commissioner authorize the use of another vessel to fish for or take menhaden. The
33 commissioner's authorization may require the license holder to fish for, take, possess and
34 land menhaden separately from any menhaden taken under another license listing the same
35 vessel to ensure that harvest limits are not exceeded. An authorization granted by the
36 commissioner to a license holder due to an accident or a mechanical failure may not exceed
37 2 weeks. The commissioner may authorize one 2-week extension per license holder during
38 the menhaden fishing season.

39 **Sec. 4. 12 MRSA §6502-C, sub-§3**, as enacted by PL 2019, c. 640, §4, is amended
40 to read:

41 **3. Licensed activity; noncommercial license.** The holder of a noncommercial
42 menhaden fishing license may fish for, take or possess menhaden that the holder has taken
43 using the vessel named on the license. A noncommercial menhaden fishing license

1 authorizes the crew members aboard the vessel named on the license to fish for, take or
2 possess menhaden when the license holder is aboard the vessel.

3 **SUMMARY**

4 This bill provides that the holder of a commercial menhaden fishing license may fish
5 for, take, possess, ship, transport or sell menhaden that the holder has taken using only the
6 vessel named on the license. The bill also provides 2 exceptions to this provision. It allows
7 a commercial menhaden license holder who is unable to fish for or take menhaden due to
8 an illness or disability to request authorization from the Commissioner of Marine
9 Resources and for the commissioner to grant the authorization for another commercial
10 menhaden license holder to fish for or take menhaden on the ill or disabled license holder's
11 behalf, and it allows a commercial menhaden license holder to request authorization to use
12 a vessel other than the vessel identified on that license holder's license when that license
13 holder's vessel is temporarily inoperable.

14 The bill also provides that the holder of a noncommercial menhaden fishing license
15 may fish for, take or possess menhaden that the holder has taken using only the vessel
16 named on the license.