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STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT " " to COMMITTEE AMENDMENT "A" to H.P. 876, L.D. 1353, "An Act Regarding Required Landings in the Menhaden Fishery"

Amend the amendment by striking out all of section 1 and inserting the following:

'Sec. 1. 12 MRSA §6502-C, sub-§1-C, as enacted by PL 2023, c. 169, §2 and affected by §5, is amended to read:

1-C. Menhaden license limited entry system. Notwithstanding subsection 1-B, the commissioner may shall establish by rule a limited entry system under which a person who did not hold a commercial menhaden license in the previous calendar year may become eligible to obtain that license when the total number of commercial menhaden licenses is less than 350 licenses and as long as the fishery exit ratio is one to one. The rules for a limited entry system must include provisions for the method and administration of the system. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Prior to the adoption of rules pursuant to this subsection, when the total number of commercial menhaden licenses is less than 350 licenses and as long as the fishery exit ratio is one to one, the commissioner shall provide preference to individuals:

A. Who meet the requirements of subsection 1-E; and

B. Based on an individual's municipality of residence. The commissioner shall fulfill the requirements of this paragraph by providing preference to an individual whose municipality of residence is located the farthest east in the State and subsequently to an individual whose municipality of residence is located the next farthest east in the State. If more than one individual resides in the municipality, the commissioner shall determine randomly which individual is given first preference.

Rules establishing a limited entry system in accordance with this subsection must be adopted by December 31, 2027. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the amendment in section 2 in subsection 1-E in the first line (page 1, line 24 in amendment) by striking out the following: "in 2026"

Amend the amendment in section 2 in subsection 1-E in the first and 2nd lines (page 1, lines 24 and 25 in amendment) by striking out the following: "Notwithstanding

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1 subsection 1-B" and inserting the following: 'Prior to the adoption of a limited entry system  
2 pursuant to subsection 1-C'

3 Amend the amendment in section 2 in subsection 1-E in the 2nd line (page 1, line 25  
4 in amendment) by striking out the following: "2026"

5 Amend the amendment in section 2 in subsection 1-E in the 3rd line (page 1, line 26 in  
6 amendment) by striking out the following: "2026"

7 Amend the amendment by striking out all of section 3 and inserting the following:

8 '**Sec. 3. Assignment of licenses according to preference as soon as**  
9 **practicable; suspension until eligible individuals offered license.** The  
10 Commissioner of Marine Resources shall assign limited entry commercial menhaden  
11 licenses pursuant to the priorities established in the Maine Revised Statutes, Title 12,  
12 section 6502-C, subsection 1-C, paragraphs A and B as soon as practicable following the  
13 effective date of this section.

14 Notwithstanding the provisions of Title 12, section 6502-C, subsections 1-C and 1-E,  
15 rules adopted by the commissioner establishing a limited entry system under which a  
16 person who did not hold a commercial menhaden license in the previous calendar year may  
17 become eligible to obtain that license are suspended until each individual who meets the  
18 preference requirements established in Title 12, section 6502-C, subsection 1-C,  
19 paragraphs A and B has been offered the opportunity to obtain a commercial menhaden  
20 license.'

21 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or  
22 section number to read consecutively.

## 23 SUMMARY

24 This amendment amends Committee Amendment "A" to require the Commissioner of  
25 Marine Resources to adopt rules by December 31, 2027 to establish a limited entry  
26 commercial menhaden fishing license system that provides preference, once the number of  
27 licenses falls below 350 licenses and as long as the fishery exit ratio is one to one, to  
28 individuals who meet the eligibility standards established in Committee Amendment "A"  
29 and who, based on municipality of residence, reside the farthest east in Maine. If more  
30 than one eligible individual resides in the same municipality, the commissioner is required  
31 to determine randomly which individual is given first preference. The commissioner is  
32 required to assign licenses under the preference system as soon as practicable following the  
33 effective date of this legislation.

34 Until the commissioner establishes the limited entry system, the eligibility standards  
35 must be used, except that the rules may not take effect until all individuals who meet the  
36 preference requirements have been offered the opportunity to obtain a license. The  
37 amendment also removes the provision of Committee Amendment "A" that directs the  
38 Department of Marine Resources to identify groups that should be prioritized for the first

1 available licenses and develop an entry plan to provide the first opportunity for licenses to  
2 individuals in the identified groups.

3 **SPONSORED BY:** \_\_\_\_\_

4 **(Representative FAULKINGHAM, B.)**

5 **TOWN: Winter Harbor**