

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-SIX

—  
H.P. 876 - L.D. 1353

**An Act Regarding Required Landings in the Menhaden Fishery**

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

**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.

**Sec. 2. 12 MRSA §6502-C, sub-§1-E** is enacted to read:

**1-E. Commercial menhaden fishing license eligibility.** Prior to the adoption of a limited entry system pursuant to subsection 1-C, the commissioner may issue a resident

commercial menhaden fishing license or a nonresident commercial menhaden fishing license to an individual if that individual:

A. Possessed a license to fish commercially for menhaden in at least one of the following 3 years, 2019, 2020 or 2021;

B. According to department records, reported legal landings of menhaden of 20,000 pounds or more under a commercial menhaden fishing license in at least one of the following 3 years, 2019, 2020 or 2021; and

C. Did not qualify for or receive a license for any period of time under subsection 1-A.

Documentation, acceptable to the department, showing that the landing requirement in paragraph B has been met must be based on information reported to the department prior to January 1, 2023.

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

Notwithstanding the provisions of Title 12, section 6502-C, subsections 1-C and 1-E, rules adopted by the commissioner establishing 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 are suspended until each individual who meets the preference requirements established in Title 12, section 6502-C, subsection 1-C, paragraphs A and B has been offered the opportunity to obtain a commercial menhaden license.