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An Act Regarding the Saltwater Recreational Fishing Registry

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, for the efficient management of the saltwater recreational fishery, this Act must take effect before the spring fishing season begins; and

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

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

Sec. 1. 12 MRSA §6032, as repealed and replaced by PL 2009, c. 559, §1 and affected by §4, is repealed.

Sec. 2. 12 MRSA §6312, as enacted by PL 2009, c. 559, §2 and affected by §4, is repealed.

Sec. 3. 12 MRSA §12514 is enacted to read:

§ 12514. Saltwater recreational fishing registry

1. Saltwater recreational fishing registry established. The commissioner shall establish, administer and maintain an annual registry of persons who engage in saltwater recreational fishing. The registry must contain the name, address, date of birth and telephone number for each person registered. For purposes of registering on the saltwater recreational fishing registry, the commissioner shall allow a person to register through an online system or an agent and may allow a person to register in conjunction with the purchase of a valid freshwater fishing license for the period covered by the freshwater fishing license. The department shall provide registry data to the federal or state agency responsible for monitoring saltwater recreational fishing at a time and manner as determined by that agency.

2. Registration required; exceptions. Except as provided in this subsection, a person may not engage in saltwater recreational fishing or land or possess fish taken from salt water without registering on the saltwater recreational fishing registry pursuant to this section. The requirement to register does not apply to:

A. A person under 16 years of age;

B. A passenger on board a vessel captained by an individual who possesses a current guide license for tidewater fishing issued under section 12853 or a customer on board a vessel licensed to carry passengers for hire for recreational fishing;

C. A person who is physically or mentally incapacitated as determined by the commissioner;

D. A disabled veteran of the Armed Forces of the United States who has a service-connected disability as determined by the United States Department of Veterans Affairs;

E. A person who is registered or licensed to engage in saltwater recreational fishing in another jurisdiction if the registration or licensing requirements of that jurisdiction meet the requirements of 50 Code of Federal Regulations, Sections 600.1415 and 600.1416 (2009);

F. An individual renting a smelt fishing camp from a commercial operator for recreational saltwater smelt fishing if that operator has registered with the commissioner in a manner determined by the commissioner; and

G. A resident fishing on July 4th, Memorial Day weekend or Labor Day weekend.

3. Penalty. The following penalties apply to a violation of subsection 2.

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates subsection 2 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

4. Fees. A fee for registering on the saltwater recreational fishing registry may not be established or levied. Notwithstanding any other provision of law to the contrary, a person registering through an agent or an online licensing and registration system may not be charged an agent fee under section 12501, subsection 3 or a fee for using the online licensing and registration system except that a person registering through an agent may be charged an agent fee of \$1 if the only transaction conducted by that person is registering on the registry.

5. Administration and enforcement; funding. The commissioner shall administer the provisions of this section within the department's existing resources. The commissioner and the Commissioner of Marine Resources shall work with the State's congressional delegation to seek federal funding for purposes of this section. The commissioner and the Commissioner of Marine Resources may not expand enforcement activities under this subsection beyond existing department resources unless federal funding is secured to cover the costs of those expanded enforcement operations.

Sec. 4. Marine Recreation Fishing Conservation and Management Fund; use of remaining funds. The Commissioner of Marine Resources shall use funds remaining on the effective date of this Act in the Marine Recreation Fishing Conservation and Management Fund established under Title 12, section 6032, subsection 1 for research, conservation and enforcement efforts related to the saltwater recreational fishery.

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

SUMMARY

This bill repeals the laws that established the current saltwater recreational fishing registry and the Marine Recreation Fishing Conservation and Management Fund and does the following.

1. It establishes a saltwater recreational fishing registry under the jurisdiction of the Department of Inland Fisheries and Wildlife.

2. It directs the Commissioner of Inland Fisheries and Wildlife to establish a registry system that allows a person to register online, through an agent or in conjunction with the purchase of a freshwater fishing license.

3. It provides that a fee or online system fee, and in most cases an agent fee, may not be charged to a person registering on the registry.

4. It requires the Commissioner of Inland Fisheries and Wildlife to administer the saltwater recreational fishing registry within the department's existing resources and provides that the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources may not expand enforcement activities regarding the registry beyond existing department resources unless federal funding is secured to cover the costs of those expanded enforcement operations.