

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Create a Commercial Menhaden Fishing License

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

Sec. 1. 12 MRSA §6041, sub-§2, as amended by PL 2019, c. 332, §1 and affected by §3, is further amended to read:

2. Sources of revenue. The fund is capitalized by surcharges assessed under section 6502-A, subsection 7 and section 6502-C, subsection 8 and fees collected pursuant to section 6502-B, subsection 4. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private.

Sec. 2. 12 MRSA §6302-A, sub-§1, as amended by PL 2013, c. 254, §1, is further amended to read:

1. Tribal exemption; commercial harvesting licenses. A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians who is a resident of the State is not required to hold a state license or permit issued under section 6421, 6501, 6502-A, 6502-C, 6505-A, 6505-C, 6535, 6601, 6602, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6803, 6804 or 6808 to conduct activities authorized under the state license or permit if that member holds a valid license issued by the tribe, nation or band or the agent of the band to conduct the activities authorized under the state license or permit. A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians issued a tribal license pursuant to this subsection to conduct activities is subject to all laws and rules applicable to a person who holds a state license or permit to conduct those activities and to all the provisions of chapter 625, except that the member of the tribe, nation or band:

A. May utilize lobster traps tagged with trap tags issued by the tribe, nation or band or the agent of the band in a manner consistent with trap tags issued pursuant to section 6431-B. A member of the tribe, nation or band is not required to pay trap tag fees under section 6431-B if the tribe, nation or band or the agent of the band issues that member trap tags;

B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe, nation or band or the agent of the band in a manner consistent with tags issued pursuant to section 6505-B. A member of the tribe, nation or band is not required to pay elver fishing gear fees under section 6505-B if the tribe, nation or band or the agent of the band issues that member elver fishing gear tags; and

C. Is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671.

Sec. 3. 12 MRSA §6502-A, sub-§1, as amended by PL 2011, c. 598, §22, is further amended to read:

1. Definition. As used in this section, "pelagic or anadromous fish" means Atlantic herring, ~~Atlantic menhaden~~, whiting, spiny dogfish, river herring, Atlantic mackerel, blueback herring, squid, butterfish, scup, black sea bass, smelt and shad.

Sec. 4. 12 MRSA §6502-C is enacted to read:

§ 6502-C. Commercial menhaden fishing license

1. License required. A person may not engage in the activities authorized under this section without a current commercial menhaden fishing license.

2. License category. At the time of purchase an applicant for a commercial menhaden fishing license shall select a license category from the following options:

A. State allocation; or

B. Small scale.

A person may select only one license category for a commercial menhaden fishing license. The small scale license category may be selected only by an individual who holds a license issued under section 6421, subsection 1, paragraph A, B, C or E.

3. Licensed activity. The holder of a commercial menhaden fishing license may fish for or take or possess, ship, transport or sell menhaden that the holder has taken. The commercial menhaden fishing license also authorizes the crew members aboard the vessel named on the license to fish for or take or possess, ship or transport menhaden when the license holder is aboard the vessel.

4. Exemption. The licensing requirement under subsection 1 does not apply to a person who fishes for, takes, possesses or transports menhaden that have been taken by speargun, harpoon, minnow trap, hand dip net or hook and line and are only for personal use.

5. Rules. The commissioner shall determine by rule any limitations on the license categories for a commercial menhaden fishing license. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

6. Eligibility. A commercial menhaden fishing license may be issued only to an individual who is a resident. An individual may not hold more than one commercial menhaden fishing license.

7. Fees. Fees for commercial menhaden fishing licenses are:

A. One hundred twenty-eight dollars for a commercial menhaden fishing license, state allocation category; and

B. Forty-eight dollars for a commercial menhaden fishing license, small scale category.

8. Surcharges. A \$50 surcharge is assessed on a holder of a commercial menhaden fishing license issued by the department. The commissioner shall deposit surcharges collected pursuant to this subsection in the Pelagic and Anadromous Fisheries Fund established under section 6041.

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

SUMMARY

This bill removes the authority to fish for Atlantic menhaden from the commercial pelagic and anadromous fishing license and creates a new commercial menhaden fishing license with 2 license categories.