

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

Amend the bill by striking out the title and substituting the following:

'An Act To Create a Menhaden Fishing License'

Amend the bill in section 1 in subsection 2 in the 2nd line (page 1, line 5 in L.D.) by striking out the following: "8" and inserting the following: '5'

Amend the bill by striking out all of section 4 and inserting the following:

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

§ 6502-C. Menhaden fishing license

1. License required. A person may not engage in the activities authorized under this section without a current:

- A. Resident commercial menhaden fishing license;
- B. Nonresident commercial menhaden fishing license; or
- C. Noncommercial menhaden fishing license.

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

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

4. Eligibility. A noncommercial menhaden fishing license may be issued only to an individual who is a resident. An individual is eligible to hold only one license described in subsection 1 per calendar year.

5. Fees and surcharges. Fees and surcharges for menhaden fishing licenses are as follows:

- A. For a resident commercial menhaden fishing license, \$128, plus a \$200 surcharge;
- B. For a nonresident commercial menhaden fishing license, \$500, plus a \$400 surcharge; and
- C. For a noncommercial menhaden fishing license, \$48, plus a \$50 surcharge.

The commissioner shall deposit surcharges collected pursuant to this subsection in the Pelagic and Anadromous Fisheries Fund established under section 6041.

6. 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.

7. 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.

8. Rules. The commissioner shall adopt rules to implement this section including provisions that provide limitations on the holder of a resident commercial menhaden fishing license, a nonresident commercial menhaden fishing license and a noncommercial menhaden fishing license. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

9. Effective date. This section takes effect January 1, 2021.'

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

SUMMARY

Like the bill, this amendment creates a menhaden fishing license system. The system set up in the amendment includes a resident commercial menhaden fishing license, a nonresident commercial menhaden fishing license and a noncommercial menhaden fishing license to begin in the 2021 licensing year. The amendment requires the Commissioner of Marine Resources to adopt routine technical rules to implement menhaden fishing license requirements and limitations.