

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 781 - L.D. 1176

**An Act to Provide for the Sustainable Management of Marine Resources and
Create a Noncommercial Northern Shrimp License**

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

Sec. 1. 12 MRSA §6171-B, sub-§1, as amended by PL 2003, c. 248, §2, is further amended to read:

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Emerging fishery" means the commercial fishing for any marine organism, except herring and groundfish species, that requires a commercial fishing license issued under section 6501 or a commercial pelagic and anadromous fishing license issued under section 6502-A.

B. "Endorsement" means an authorization, identified on a commercial fishing license issued under section 6501 or a commercial pelagic and anadromous fishing license issued under section 6502-A, to harvest, possess, transport and sell a specific marine organism for which there is an emerging fishery.

Sec. 2. 12 MRSA §6171-B, sub-§2, as enacted by PL 1999, c. 297, §1, is amended to read:

2. Determination of sustainability. The commissioner may investigate conditions affecting marine resources and, with the advice and consent of the Marine Resources Advisory Council, may require a person to hold an endorsement to participate in an emerging fishery if the commissioner determines that a marine organism or its habitat is under increasing pressure that could impact its sustainability or if the commissioner determines that a marine organism is becoming established in the waters of this State and that access to that marine organism must be limited to ensure its sustainable management. The commissioner shall ensure that emerging fisheries do not develop at a rate that is not sustainable on a long-term basis.

Harvesters involved in an emerging fishery may petition the commissioner to investigate the sustainability of that emerging fishery.

Sec. 3. 12 MRSA §6171-B, sub-§4, as enacted by PL 1999, c. 297, §1, is amended to read:

4. Endorsement required. Notwithstanding ~~section~~ sections 6501 and 6502-A, a person may not fish for, take, possess, ship, transport or sell a marine organism for which an endorsement is required pursuant to subsection 2 unless that person holds a current commercial fishing license or a commercial pelagic and anadromous fishing license with an endorsement for that organism, except that a license with an endorsement is not required for that person to fish for, take, possess or transport the organism only for personal use.

A fee may not be charged for an endorsement required pursuant to this section.

Sec. 4. 12 MRSA §6804, as amended by PL 2017, c. 346, §§1 and 2, is further amended to read:

§6804. ~~Commercial northern~~ Northern shrimp license

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

- A. Resident commercial northern shrimp license;
- B. Resident with crew commercial northern shrimp license; ~~or~~
- C. Nonresident with crew commercial northern shrimp license; ~~or~~
- D. Resident noncommercial northern shrimp license.

2. Licensed activities. ~~Except as limited pursuant to subsection 2-A, the holder of a commercial northern shrimp license may fish for or take shrimp or possess, ship, transport or sell northern shrimp that the license holder has taken. A license issued under subsection 7, paragraph B or C also authorizes unlicensed crew members aboard the vessel declared by the license holder to engage in these activities.~~

A. A holder of a commercial northern shrimp license may fish for or take northern shrimp or possess, ship, transport or sell northern shrimp that the license holder has taken. A license issued under subsection 7, paragraph B or C also authorizes unlicensed crew members aboard the vessel declared by the license holder to engage in these activities; and

B. A holder of a resident noncommercial northern shrimp license may fish for or take northern shrimp or possess, ship or transport northern shrimp that the license holder has taken.

2-A. ~~Licenses~~ Commercial licenses limited. The commissioner may establish by rule a system to limit the number of commercial northern shrimp licenses issued under this section when the total allowable catch for northern shrimp established for Maine by the Atlantic States Marine Fisheries Commission is less than 2,000 metric tons. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Prior to initiating rulemaking, the commissioner shall consult with members of the northern shrimp industry, including individuals who are eligible to obtain a license that allows fishing for or taking northern shrimp and holders of a license or permit issued under chapter 625 that allows wholesale or retail activity involving northern shrimp.

The commissioner shall provide a report regarding management of the northern shrimp resource and the northern shrimp fishing industry to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of the year following a year in which the commissioner limited the number of licenses issued under this section. The joint standing committee may report out legislation to the session of the Legislature in which the report was received regarding management of the northern shrimp resource or the northern shrimp fishing industry.

3. ~~Boat~~ Commercial license holder boat declaration. The commercial license holder shall declare the name of the vessel to be used for fishing under the commercial northern shrimp license at the time of application for the license and may not change that declaration during the license year unless the original vessel is sold and replaced, has been damaged and will be under repair for not less than one month or has been destroyed or lost.

5. ~~Exemption.~~ ~~Notwithstanding subsection 1, a license is not required to fish for, take, possess or transport up to one standard fish tote of northern shrimp only for personal use. This exemption does not apply to an individual whose ability to obtain a commercial northern shrimp license has been suspended by the commissioner.~~

6. Eligibility. A commercial northern shrimp license may be issued only to an individual.

7. Fees. Fees for the ~~commercial~~ northern shrimp license are as follows:

A. Thirty-eight dollars for a resident commercial license that authorizes the license holder to engage in the licensed activities under subsection 2, paragraph A;

B. One hundred three dollars for a resident commercial license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2, paragraph A; and

C. Three hundred eighty-five dollars for a nonresident commercial license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2, paragraph A; and

D. Twenty dollars for a resident noncommercial license that authorizes the license holder to engage in the licensed activities under subsection 2, paragraph B.

8. Disposition of fees. Fees for ~~commercial~~ northern shrimp licenses must be deposited in the Shrimp Management Fund established in section 6805 as follows:

A. Thirty-three dollars for a resident commercial license that authorizes the license holder to engage in the licensed activities under subsection 2, paragraph A;

B. Eighty-nine dollars for a resident commercial license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2, paragraph A; and

C. Three hundred thirty-four dollars for a nonresident commercial license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2, paragraph A; and

D. Twenty dollars for a resident noncommercial license that authorizes the license holder to engage in the licensed activities under subsection 2, paragraph B.

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.

Sec. 5. 12 MRSA §6805, sub-§3, as enacted by PL 1999, c. 491, §5, is amended to read:

3. Source of revenue. In addition to the fees derived from the commercial and noncommercial northern shrimp ~~license~~ licenses, the fund may receive money from any source for the purposes described in subsection 2.