

STATE OF MAINE

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

—  
H.P. 940 - L.D. 1444

**An Act to Amend the Laws Governing Eligibility Restrictions for  
Commercial Menhaden Fishing Licenses**

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

**Whereas,** this legislation changes the eligibility restrictions for commercial menhaden fishing licenses and needs to take effect as soon as possible to apply to the 2023 commercial menhaden fishing season; 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 §6502-C, sub-§1-A, ¶A,** as enacted by PL 2021, c. 670, §1, is amended to read:

A. Possessed a license to fish commercially for menhaden in at least 2 of the following ~~3~~ 4 years, 2019, 2020 ~~or~~, 2021 or 2022 except that an individual who is eligible for a commercial menhaden fishing license in 2023 and who held a 2nd commercial menhaden fishing license in 2022 is not eligible for a 2nd license in 2023; and

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

**1-C. Menhaden license limited entry system.** Notwithstanding subsection 1-B, the commissioner may 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. 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.

**Sec. 3. 12 MRSA §6502-C, sub-§1-D** is enacted to read:

**1-D. Fees.** The department may assess a fee for participation in the limited entry system established in subsection 1-C.

**Sec. 4. Report.** By January 15, 2024, the Commissioner of Marine Resources shall submit a report to the Joint Standing Committee on Marine Resources with details on the implementation of the Maine Revised Statutes, Title 12, section 6502-C, subsections 1-A, 1-B and 1-C. The committee has the authority to report out a bill to the Second Regular Session of the 131st Legislature based on the report.

**Sec. 5. Retroactivity.** This Act applies retroactively to January 1, 2023.

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