

131st Legislature
Senate of
Maine
Senate District 6

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Good afternoon, Senator Reny, Representative Hepler, and my fellow distinguished members of the Joint Standing Committee on Marine Resources. My name is Marianne Moore. I proudly represent Senate District 6, which includes all of Washington County along with 16 Communities in Eastern Hancock County as well.

I am here to introduce LD 2026, "*An Act to Authorize Medical Waivers for Menhaden Fishing Licenses*".

Last summer I was contacted by a constituent regarding his inability to renew his Menhaden License. Historically, he has had a license for quite some time; however, in the fall of 2022 he had issues with his leg and has ultimately had it amputated thus not getting his quota for 2022.

I remind the Committee eligibility for commercial menhaden licenses is currently limited to individuals who meet certain criteria with regard to licensing and landings history. The criteria was originally established during the second half of the 130th Legislature, and then further amended by us during our past session.

The current law does not provide any authority to the Commissioner to grant licenses to individuals who did not meet the eligibility criteria due to medical reasons. Instead, the law provided a range of years (2019, 2020, 2021, 2022) for an individual to achieve the necessary landings (25,000 lbs.) so that if they were unable to do so in any given year for medical reasons, they still had multiple other opportunities. In a review of the records, he did not have 25,000 lbs or more of menhaden landings in any of the qualifying years. For this reason, he was not currently eligible for a commercial license.

When I started working on his request, I realized the "*STATE OF MAINE MARINE RESOURCES LAW BOOK*" currently outlines how one can appeal a license denial due to an illness or medical condition as it relates to licenses for lobster, crab, sea

urchin, and scallop fishing:

“DEPARTMENT OF MARINE RESOURCES Chapter 615

§6310-A. Appeal of license denial; Armed Forces or Coast Guard service

1. Appeal of license denial. A person who is denied a license for a limited entry fishery because that person does not meet the eligibility requirements due to service in the United States Armed Forces or the United States Coast Guard precluding that person from participating in the fishery may appeal to the commissioner under this section for a review of that license denial. A license may be granted by the commissioner under this section only if the person:

A. Documents that the person harvested the relevant species while in possession of a fishing license for that species within one year prior to entering the service; [PL 2013, c. 319, §2 (NEW).]

B. [PL 2017, c. 161, §1 (RP).]

C. Has not been dishonorably discharged from service; and [PL 2013, c. 319, §2 (NEW).]

D. Requests an appeal under this section within one year of discharge from service. [PL 2013, c. 319, §2 (NEW).]

[PL 2017, c. 161, §1 (AMD).]

2. Limited entry fishery. For purposes of this section, "limited entry fishery" means a fishery in which licenses are limited to individuals who have held a license in the previous year or a fishery that is otherwise restricted by a limited entry system.

[PL 2013, c. 319, §2 (NEW).]

3. Appeals process. A person appealing a license denial under this section must request the appeal in writing. The commissioner shall hold a hearing on the appeal if a hearing is requested in writing within 10 days of the initial request for appeal. If a hearing is requested, it must be held within 30 days of the request unless a longer period is mutually agreed to in writing, and it must be conducted in the Augusta area.

A hearing held under this subsection is informal. At the hearing, the appellant may present any evidence concerning the criteria listed in subsection 1 that might justify issuing a license to the person, and the commissioner may request any additional information the commissioner considers necessary.

[PL 2013, c. 319, §2 (NEW).]

4. Issuance on appeal. Issuance of a license on appeal is at the discretion of the commissioner, except that a license may not be issued unless the criteria in subsection 1 are met. Decisions of the commissioner must be in writing.”

At the request of a constituent, I am submitting a bill to allow the same opportunity as it relates to the Menhaden Fishing License. The current section of law makes no reference to an illness or medical condition appeal opportunity:

**“DEPARTMENT OF MARINE RESOURCES Chapter 621
§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; [PL 2019, c. 640, §4 (NEW).]
- B. Nonresident commercial menhaden fishing license; or [PL 2019, c. 640, §4 (NEW).]
- C. Noncommercial menhaden fishing license. [PL 2019, c. 640, §4 (NEW).]
[PL 2019, c. 640, §4 (NEW).]

1-A. Commercial menhaden fishing license eligibility in 2023. The commissioner may not issue a 2023 resident commercial menhaden fishing license or a 2023 nonresident commercial menhaden fishing license to an individual unless that individual:

- A. Possessed a license to fish commercially for menhaden in at least 2 of the following 4 years, 2019, 2020, 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 [PL 2023, c. 169, §1 (AMD).]
- B. According to department records, reported legal landings of menhaden of 25,000 pounds or more in at least one of the following 4 years, 2019, 2020, 2021 or 2022.

Documentation, acceptable to the department, showing that the landing requirement in this paragraph has been met must be submitted to the department by January 1, 2023. [PL 2021, c. 670, §1 (NEW).]

[PL 2023, c. 169, §1 (AMD).]

1-B. Commercial menhaden fishing license eligibility after 2023. The commissioner may not issue a resident commercial menhaden fishing license or a nonresident commercial menhaden fishing license to an individual in any year subsequent to 2023 unless that individual possessed that license in the previous calendar year.

[PL 2021, c. 670, §2 (NEW).]

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.

[PL 2023, c. 169, §2 (NEW).]

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

[PL 2023, c. 169, §3 (NEW).]

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.

[PL 2019, c. 640, §4 (NEW).]

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.

[PL 2019, c. 640, §4 (NEW).]

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.

[PL 2019, c. 640, §4 (NEW).]

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; [PL 2019, c. 640, §4 (NEW).]

B. For a nonresident commercial menhaden fishing license, \$500, plus a \$400 surcharge; and [PL 2019, c. 640, §4 (NEW).]

C. For a noncommercial menhaden fishing license, \$48, plus a \$50 surcharge. [PL 2019, c. 640, §4 (NEW).]

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

[PL 2019, c. 640, §4 (NEW).]

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.

[PL 2019, c. 640, §4 (NEW).]

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.

[PL 2019, c. 640, §4 (NEW).]

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.

[PL 2019, c. 640, §4 (NEW).]

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

My thought is we need to equalize our licensing statutes and ask for your support in passing this important bill and would be happy to answer any questions. ☺