

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 Saltwater Recreational Fishing Registry

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

Sec. 1. 12 MRSA §6312 is enacted to read:

§ 6312. Saltwater recreational fishing

A person may not engage in saltwater recreational fishing or land or possess fish taken from salt water without registering pursuant to section 12514. The commissioner may designate the methods of fishing or the saltwater areas for which registration is required under this section. The commissioner may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules under Title 5, chapter 375, subchapter 2-A.

Sec. 2. 12 MRSA §12514 is enacted to read:

§ 12514. Saltwater recreational fishing

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

- A. "Person with a disability" means a person who is physically or mentally incapacitated as determined by the commissioner;
- B. "Disabled veteran" means a veteran of the Armed Forces of the United States who has a service-connected disability as determined by the United States Department of Veterans Affairs; and
- C. "Registry" means the registry for persons engaged in saltwater recreational fishing under subsection 2.

2. Saltwater recreational fishing registry. The commissioner shall administer and maintain a registry of persons who engage in saltwater recreational fishing under section 6312. A person who engages in saltwater recreational fishing or lands or possesses fish taken from salt water in the State must register annually with the commissioner pursuant to this section.

3. Registry procedures. A person may register pursuant to subsection 2 through an agent under section 12501 or a publicly accessible online electronic system used to purchase fishing licenses operated by the department. A person purchasing a fishing license under section 12501 must be asked if the person intends to fish in salt water for that calendar year. If the person answers in the affirmative, the person must be informed of the requirements under this section.

4. Registry information. The registry must contain the following information for each person registered:

- A. Name;
- B. Address;
- C. Date of birth; and
- D. Telephone number.

5. Exemptions. The following persons are exempted from this section:

- A. A person under 16 years of age;
- B. A passenger on board a vessel captained by an individual who possesses a current guide license for tidewater fishing issued under section 12853 or a customer on board a vessel licensed to carry passengers for hire for recreational fishing;
- C. A member of the United States Armed Forces on active military duty while on leave or furlough;
- D. A person with a disability;
- E. A disabled veteran; or
- F. A person who is registered or licensed to engage in saltwater recreational fishing in another jurisdiction if the registration or licensing requirements of that jurisdiction meet the requirements of 50 Code of Federal Regulations, Sections 600.1415 and 600.1416 (2009).

6. Report. The commissioner shall report registry information to the United States Department of Commerce, National Oceanic and Atmospheric Administration in a form and manner as required by the National Oceanic and Atmospheric Administration.

7. Enforcement. Until September 30, 2011, a person who violates this section must be issued an informational brochure developed by the commissioner to educate and inform the person on the requirements of this section. Beginning October 1, 2011, a person who violates this section commits a civil violation for which a fine of not less than \$100 may be adjudged.

8. Rules. The commissioner may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 3. Commissioner to execute memorandum of agreement. By January 1, 2010, the Commissioner of Inland Fisheries and Wildlife shall initiate negotiations for and execute a memorandum of agreement with the United States Department of Commerce, National Oceanic and Atmospheric Administration pursuant to the provisions of 50 Code of Federal Regulations, Section 600.1415 (2009).

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Bureau of Resource Management 0027

Initiative: Deappropriates funds from the recreational fishing program to fund the saltwater recreational fishing registry under the Department of Inland Fisheries and Wildlife.

GENERAL FUND	2009-10	2010-11
All Other	(\$12,000)	(\$12,000)
GENERAL FUND TOTAL	(\$12,000)	(\$12,000)

MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	(\$12,000)	(\$12,000)

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF
 Saltwater Recreational Fishing Registry**

Initiative: Appropriates funds to create and administer the saltwater recreational fishing registry.

GENERAL FUND	2009-10	2010-11
All Other	\$12,000	\$12,000
GENERAL FUND TOTAL	\$12,000	\$12,000

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	\$12,000	\$12,000

SECTION TOTALS	2009-10	2010-11
GENERAL FUND	\$0	\$0
SECTION TOTAL - ALL FUNDS	\$0	\$0

SUMMARY

This bill creates the saltwater recreational fishing registry to register persons engaged in saltwater recreational fishing to be administered by the Department of Inland Fisheries and Wildlife through the department's existing program to issue fishing licenses. The bill directs the Commissioner of Inland Fisheries and Wildlife to negotiate a memorandum of agreement with the United States Department of Commerce, National Oceanic and Atmospheric Administration to exempt the State from a federal registry if the State submits data from the saltwater recreational fishing registry created by this bill. This bill deappropriates \$12,000 from the Department of Marine Resources recreational fishing program to fund the saltwater recreational fishing registry.