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An Act Regarding Saltwater Recreational Fishing

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

Sec. 1. 5 MRSA §12004-I, sub-§57-D, as enacted by PL 1999, c. 85, §1, is repealed.

Sec. 2. 5 MRSA §12004-I, sub-§57-H is enacted to read:

57-H.

Marine
Resources

Expenses
Only

12 MRSA
§6139-A

Marine
Recreational
Fisheries and
Habitat Advisory
Council

Sec. 3. 12 MRSA §6024, sub-§1-A, as amended by PL 2007, c. 695, Pt. K, §1, is further amended to read:

1-A. Appointment; composition; term; compensation. The Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of ~~16~~15 members. The chair of the Lobster Advisory Council, the chair of the Marine Recreational ~~Fishing~~Fisheries and Habitat Advisory Council, ~~the chair of the Sea Run Fisheries and Habitat Advisory Council~~, the chair of the Sea Urchin Zone Council and the chair of the Shellfish Advisory Council are ex officio members of the council. Each other member is appointed by the Governor and is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources matters and to confirmation by the Legislature. Five members must be persons who are licensed under this Part to engage in commercial harvesting activities. Those 5 members are selected by the Governor from names recommended to the Governor by groups representing commercial harvesting interests. Each member must represent a different commercial harvesting activity, except that none of those 5 members may represent lobster harvesters. The remaining 6 members must include one public member, 4 persons who hold a nonharvesting-related license under this Part and one person representing the aquaculture industry. The Governor shall select the person to represent the aquaculture industry from among the names recommended by the aquaculture industry. The composition of the council must reflect a geographical distribution along the coast. All appointed members are appointed for a term of 3 years, except a vacancy must be filled in the same manner as an original member for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. The chair of the Lobster Advisory Council, the chair of the Marine Recreational ~~Fishing~~Fisheries and Habitat Advisory Council, ~~the chair of the Sea Run Fisheries and Habitat Advisory Council~~, the chair of the Sea Urchin Zone Council and the chair of the Shellfish Advisory Council shall serve until a new chair of the Lobster Advisory Council, a new chair of the Marine Recreational ~~Fishing~~Fisheries and Habitat Advisory Council,

~~a new chair of the Sea Run Fisheries and Habitat Advisory Council~~, a new chair of the Sea Urchin Zone Council or a new chair of the Shellfish Advisory Council, respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

Sec. 4. 12 MRSA §6032, as enacted by PL 1999, c. 85, §3, is repealed and the following enacted in its place:

§ 6032. Marine Recreation Fishing Conservation and Management Fund

1. Fund established. The Marine Recreation Fishing Conservation and Management Fund, referred to in this section as "the fund," is established within the department. In addition to fees derived from the saltwater recreational fishing license pursuant to section 6506, subsection 6, the commissioner may receive on behalf of the fund funds from any source. All money received into the fund must be used for the purposes of the fund. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year to be used for the purposes of the fund. Any interest earned on the money in the fund must be credited to the fund. By February 1st of each year, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the amount of money collected in the fund and all expenditures made from the fund in the previous fiscal year.

2. Uses of fund. The commissioner, with the advice of the Marine Recreational Fisheries and Habitat Advisory Council created pursuant to section 6139-A, may authorize the expenditure of money from the fund for:

- A. Resource and habitat enhancement;
- B. Fisheries management research;
- C. Acquisition of land or an interest in land that provides for the enhancement of fishery habitat or public access to coastal fishing waters;
- D. Enforcement of marine resources laws;
- E. Education, promotion and outreach; and
- F. Administration and operating expenses.

Funds allocated for expenditure under paragraph C must be deposited in the Public Access to Maine Waters Fund established in Title 5, section 6203-A for the purpose of acquisition of properties, or interests in properties, providing public access to coastal waters.

Sec. 5. 12 MRSA §6033, as enacted by PL 1999, c. 85, §4, is repealed.

Sec. 6. 12 MRSA §6034, sub-§1, as amended by PL 2005, c. 505, §1, is further amended to read:

1. Appointment; composition. The Commercial Fishing Safety Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 57-E, consists of 17 members, 15 of whom are appointed by the commissioner as follows:

- A. One member who is a license holder under this Part and a member of the Lobster Advisory Council, recommended by the chair of the Lobster Advisory Council;
- B. One member who is a license holder under this Part and a member of the Marine Resources Advisory Council, recommended by the chair of the Marine Resources Advisory Council;
- C. One member who is a license holder under this Part and a member of the Sea Urchin Zone Council, recommended by the chair of the Sea Urchin Zone Council;
- D. Five members who are license holders under this Part and who represent commercial marine harvesting activities;
- E. An educator experienced in community-based adult education and volunteer safety training;
- F. An expert in fishing industry risk analysis and occupational health;
- G. An expert in marine safety equipment;
- H. A representative of the marine insurance industry;
- I. A marine surveyor;
- J. A spouse or domestic partner of a license holder under this Part; and
- K. A member of the public.

The chair of the Marine Resources Advisory Council and the chair of the Marine Recreational ~~Fishing~~Fisheries and Habitat Advisory Council are ex officio members of the council. The composition of the council must reflect a geographic distribution along the coast of the State. The council may invite to carry out the duties of the council other participants on an ad hoc basis, including representatives of private or governmental organizations or individuals with expertise or interest in marine, education, labor or health matters.

Sec. 7. 12 MRSA §6137, sub-§3, as enacted by PL 2007, c. 240, Pt. QQ, §4, is amended to read:

3. Rules. The commission may adopt rules necessary to manage the Atlantic salmon fishery and to promote the conservation and propagation of the Atlantic salmon. Rules adopted by the commission must be enforced by the department, the Department of Inland Fisheries and Wildlife and other public officials authorized by law to enforce marine resource laws or inland fisheries and wildlife laws. The department and the Department of Inland Fisheries and Wildlife retain exclusive jurisdiction over rules pertaining to species other than Atlantic salmon that are designed to promote the conservation and propagation of Atlantic salmon. The departments shall consult with the commission and the ~~Sea Run~~Marine Recreational Fisheries and Habitat Advisory Council, established in section ~~61396~~139-A, in adopting such rules.

Sec. 8. 12 MRSA §6139, as enacted by PL 2007, c. 240, Pt. QQ, §6, is repealed.

Sec. 9. 12 MRSA §6139-A is enacted to read:

§ 6139-A. Marine Recreational Fisheries and Habitat Advisory Council

1. Appointment; composition; term; compensation. The Marine Recreational Fisheries and Habitat Advisory Council, referred to in this section as "the council," as established by Title 5, section 12004-I, subsection 57-H, and consists of 11 members appointed by the commissioner. All council members must have a demonstrated interest in the restoration and recovery of marine species or in marine recreational fishing issues. The commissioner shall appoint the members as follows:

- A. Four members who represent the State's recreational marine fisheries. These members must be anglers who target varied species along the coast;
- B. Two members who represent the interests of inland areas with populations of anadromous species and who have significant understanding of issues related to Atlantic salmon;
- C. One member who represents tribal interests;
- D. Two members who represent the interests of the for-hire saltwater recreational fishing fleet;
- E. One member who represents the tackle shop industry; and
- F. One member who represents the tourism industry.

Members must be appointed to 3-year terms and may serve 2 consecutive terms. Members are compensated as provided in Title 5, chapter 379.

2. Powers and duties; meetings; officers. The council shall give the commissioner information and advice concerning the development of plans and programs for the protection, preservation, enhancement, restoration and management of all sea run and saltwater species in all waters of the State where these species were historically present, including Atlantic salmon. The council shall make recommendations to the commissioner concerning expenditures from the Marine Recreation Fishing Conservation and Management Fund described in section 6032. The council shall hold meetings with the commissioner, or the commissioner's designee. The council shall elect one of its members as chair, one as vice-chair and one as secretary, all for a term of one year, at the first regular meeting in each year. The officers have the following duties.

- A. The chair shall call and preside at all meetings of the council.
- B. The vice-chair shall call and preside at all meetings of the council in the chair's absence.
- C. The secretary shall cause records to be taken and preserved of all meetings of the council.

3. Quorum. A quorum is a majority of the members of the council.

4. Council actions. An affirmative vote of a majority of the members present at a meeting or polled is required for any action. An action may not be considered unless a quorum is present or, if there is no meeting, by written poll of a quorum of members responding.

Sec. 10. 12 MRSA §6140-A, sub-§4, as enacted by PL 2007, c. 240, Pt. QQ, §8, is amended to read:

4. Open season. The commission, after consultation with and advice from the ~~Sea-Run~~Marine Recreational Fisheries and Habitat Advisory Council, may establish by rule an open season during which a person may fish for Atlantic salmon. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 11. 12 MRSA §6501, sub-§3, as amended by PL 2001, c. 421, Pt. B, §25 and affected by Pt. C, §1, is repealed.

Sec. 12. 12 MRSA §6506 is enacted to read:

§ 6506. Saltwater recreational fishing license

1. License required. Except as otherwise provided pursuant to this Part, it is unlawful for an individual to engage in saltwater recreational fishing without holding at least one of the following:

- A. An annual resident saltwater recreational fishing license;
- B. An annual nonresident saltwater recreational fishing license; or
- C. A 2-week nonresident saltwater recreational fishing license.

A saltwater recreational fishing license does not authorize the license holder to sell fish taken with the license.

2. Agents for purpose of selling licenses. The commissioner shall adopt rules that establish the criteria for selecting agents to issue saltwater recreational fishing licenses. Agents appointed by the commissioner to issue licenses shall charge a fee of \$2 for each license issued. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Licensed activities. The holder of a saltwater recreational fishing license may fish for, take, transport and possess finfish and freshwater fish as defined in section 6001 in coastal waters.

4. Exemptions. A license is not required to engage in saltwater recreational fishing in coastal waters for an individual under 16 years of age or a resident 70 years of age or older. A license is not required for a passenger or crew member on board a vessel captained by an individual who possesses a current guide license for tidewater fishing issued by the Department of Inland Fisheries and Wildlife in accordance with section 12853 or on board a vessel carrying 7 or more for-hire passengers engaged

in recreational saltwater fishing. A license is not required for an individual renting a smelt fishing camp from a commercial operator. A license is not required for an individual who possesses a current tidewater fishing guide license issued in accordance with section 12853.

5. Eligibility. A saltwater recreational fishing license may be issued only to an individual.

6. Fees. The fees for saltwater recreational fishing licenses are:

A. Fifteen dollars for an annual resident saltwater recreational fishing license;

B. Thirty dollars for an annual nonresident saltwater recreational fishing license;

C. Fifteen dollars for an annual nonresident saltwater recreational fishing license for applicants 70 years of age or older; and

D. Fifteen dollars for a 2-week nonresident saltwater recreational fishing license.

7. Disposition of fees. All fees for saltwater recreational fishing licenses collected pursuant to subsection 6 must be deposited in the Marine Recreation Fishing Conservation and Management Fund established in section 6032.

8. Violation. Violation of this section is a civil violation for which a fine of not less than \$100 may be adjudged.

Sec. 13. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 12, section 6139-A, subsection 1, in making initial appointments to the Marine Recreational Fisheries and Habitat Advisory Council, the Commissioner of Marine Resources shall appoint 3 members for a one-year term, 4 members for a 2-year term and 4 members for a 3-year term.

SUMMARY

This bill establishes a saltwater recreational fishing license, dedicates the fees from licensing to the Marine Recreation Fishing Conservation and Management Fund and gives the Commissioner of Marine Resources authority to make expenditures from the fund for purposes such as fisheries management research and education and outreach. The bill also removes the exemptions from the commercial license requirements for certain methods of fishing for personal use.

The bill also establishes the Marine Recreational Fisheries and Habitat Advisory Council. It repeals the Marine Recreational Fishing Advisory Council and the Sea Run Fisheries and Habitat Advisory Council. The bill also corrects cross-references due to the repealing of the 2 councils.