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An Act To Create a Commercial Pelagic and Anadromous Fishing License and Establish the Pelagic and Anadromous Fisheries Fund

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

Sec. 1. 12 MRSA §6041 is enacted to read:

§ 6041. Pelagic and Anadromous Fisheries Fund

The Pelagic and Anadromous Fisheries Fund, referred to in this section as "the fund," is established within the department. Balances in the fund may not lapse and must be carried forward to the next fiscal year.

1. Uses of fund. The commissioner shall use the fund for research directly related to pelagic or anadromous fishery management and the processing of landings data. The commissioner may authorize the expenditure of money in the fund for research and development programs that address the restoration, development or conservation of pelagic or anadromous fish resources.

2. Sources of revenue. The fund is capitalized by surcharges assessed under section 6502-A, subsection 7. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private.

Sec. 2. 12 MRSA §6502-A is enacted to read:

§ 6502-A. Commercial pelagic and anadromous fishing license

1. Definition. As used in this section, "pelagic or anadromous fish" means Atlantic herring, Atlantic menhaden, whiting, spiny dogfish, alewife, Atlantic mackerel, blueback herring, squid, butterfish, scup, black sea bass, smelt and shad.

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

A. Commercial pelagic and anadromous fishing license for a resident operator;

B. Commercial pelagic and anadromous fishing license for a resident operator and all crew members; or

C. Commercial pelagic and anadromous fishing license for a nonresident operator and all crew members.

3. Licensed activity. The holder of a commercial pelagic and anadromous fishing license may fish for or take or possess, ship, transport or sell pelagic or anadromous fish that the holder has taken. The license authorizes crew members aboard the licensee's boat when it is engaged in fishing for pelagic or anadromous fish to undertake these activities if the license provides for crew members.

4. Exemption. The licensing requirement under subsection 1 does not apply to a person who fishes for, takes, possesses or transports any pelagic or anadromous fish that have been taken by speargun, harpoon, minnow trap or hook and line and are only for personal use.

5. Eligibility. A commercial pelagic and anadromous fishing license may be issued only to an individual.

6. Fees. Fees for commercial pelagic and anadromous fishing licenses are:

A. Forty-one dollars for a resident operator;

B. One hundred eleven dollars for a resident operator and all crew members; and

C. Seven hundred and fifty dollars for a nonresident operator and all crew members.

7. Surcharges. The following surcharges are assessed on holders of commercial pelagic and anadromous fishing licenses issued by the department:

A. For a commercial pelagic and anadromous fishing license for a resident operator, \$150;

B. For a commercial pelagic and anadromous fishing license for a resident operator with crew, \$100; and

C. For a commercial pelagic and anadromous fishing license for a nonresident operator with crew, \$100.

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

8. 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.

SUMMARY

This bill creates a new license for commercial pelagic and anadromous fishing and a new dedicated fund to provide the revenue needed to conduct research related to pelagic and anadromous fisheries management and to gather fisheries landings information relative to the harvest of pelagic fish and anadromous fish.

This bill also allows the licensing fund to be used for research and development programs that address restoration, development and conservation of pelagic and anadromous fish resources.