

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 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 commissioner shall determine by rule what crew members may fish under a commercial pelagic and anadromous fishing license that provides for crew members. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2A.

**4. Exemption.** The licensing requirement under subsection 2 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-eight dollars for a resident operator;

B. One hundred twenty-eight dollars for a resident operator and all crew members; and

C. Five hundred 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, \$50;

B. For a commercial pelagic and anadromous fishing license for a resident operator with crew, \$200; and

C. For a commercial pelagic and anadromous fishing license for a nonresident operator with crew, \$400.

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.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF**

**Bureau of Resource Management 0027**

Initiative: Establishes the Pelagic and Anadromous Fisheries Fund.

PUBLIC Law, Chapter 527 LD 1724, item 1, 124th Maine State Legislature  
An Act To Create a Commercial Pelagic and Anadromous Fishing  
License and Establish the Pelagic and Anadromous Fisheries Fund

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$0	\$38,800
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<hr/> \$0	\$38,800

Effective 90 days following adjournment of the 124th  
Legislature, Second Regular Session, unless otherwise indicated.