

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1321 - L.D. 1770

An Act To Create a Commercial Halibut Fishing License

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

Sec. 1. 12 MRSA §6039, sub-§1, as enacted by PL 2007, c. 615, §6, is amended to read:

1. Sources. The fund is capitalized by fees assessed under section 6506, subsections 4 and 5 and received through the sale of commercial halibut fishing licenses and tags. In addition to those revenues, the commissioner may accept and deposit into the fund money from any other source, public or private. All money in the fund must be used for the purposes set forth in this section.

Sec. 2. 12 MRSA §6302-A, sub-§1, as amended by PL 2019, c. 640, §2, is further amended to read:

1. Tribal exemption; commercial harvesting licenses. A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians who is a resident of the State is not required to hold a state license or permit issued under section 6421, 6501, 6502-A, 6502-C, 6505-A, 6505-C, 6506, 6535, 6601, 6602, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6803, 6804 or 6808 to conduct activities authorized under the state license or permit if that member holds a valid license issued by the tribe, nation or band or the agent of the band to conduct the activities authorized under the state license or permit. A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians issued a tribal license pursuant to this subsection to conduct activities is subject to all laws and rules applicable to a person who holds a state license or permit to conduct those activities and to all the provisions of chapter 625, except that the member of the tribe, nation or band:

A. May utilize lobster traps tagged with trap tags issued by the tribe, nation or band or the agent of the band in a manner consistent with trap tags issued pursuant to section 6431-B. A member of the tribe, nation or band is not required to pay trap tag fees under section 6431-B if the tribe, nation or band or the agent of the band issues that member trap tags;

B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe, nation or band or the agent of the band in a manner consistent with tags issued pursuant to section 6505-B. A member of the tribe, nation or band is not required to pay elver fishing gear fees under section 6505-B if the tribe, nation or band or the agent of the band issues that member elver fishing gear tags; and

C. Is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671.

Sec. 3. 12 MRSA §6501, sub-§3, ¶B, as amended by PL 2011, c. 266, Pt. A, §14, is further amended to read:

B. A person may fish for, take, possess or transport halibut if they have been taken by tub trawl or by hook and line and are only for personal use.

This paragraph is repealed January 1, 2023.

Sec. 4. 12 MRSA §6501, sub-§6, as amended by PL 2011, c. 598, §21, is further amended to read:

6. Definition. For the purposes of this chapter, "fish" means all marine finfish except Atlantic herring, Atlantic menhaden, whiting, spiny dogfish, river herring, Atlantic mackerel, blueback herring, squid, butterfish, scup, black sea bass, smelt and shad and Atlantic halibut. For the purposes of this chapter, "fish" also means all other marine organisms, except lobsters, crabs, sea urchins, shellfish, scallops, marine worms, elvers, sea cucumbers, eels, shrimp or seaweed.

Sec. 5. 12 MRSA §6506 is enacted to read:

§6506. Commercial halibut fishing license

1. License required. Beginning January 1, 2023, a person may not engage in the activities authorized under this section without a current:

A. Commercial halibut fishing license for a resident operator;

B. Commercial halibut fishing license for a resident operator and all crew members;

C. Commercial halibut fishing license for a nonresident operator and all crew members;
or

D. Commercial halibut fishing license for an operator with a federal northeast multispecies groundfish permit authorizing halibut fishing for the operator and all crew members.

2. Licensed activity; commercial license. The holder of a commercial halibut fishing license issued under subsection 1 may fish for, take, possess, ship, transport or sell halibut that the holder has taken. Crew members aboard a license holder's vessel may fish for, take, possess, ship or transport halibut only if the license provides for crew members.

3. Eligibility. A commercial halibut fishing license issued under subsection 1 may be issued only to an individual.

4. Fees. Fees for commercial halibut fishing licenses issued under subsection 1 are as follows:

A. For a commercial halibut fishing license for a resident operator, \$48;

B. For a commercial halibut fishing license for a resident operator and all crew members, \$128;

C. For a commercial halibut fishing license for a nonresident operator and all crew members, \$481; and

D. For a commercial halibut fishing license for an operator with a federal northeast multispecies groundfish permit authorizing halibut fishing for the operator and all crew members, \$2.

The commissioner shall deposit fees collected pursuant to this subsection in the Halibut Fund established under section 6039.

5. Halibut tags. The holder of a commercial halibut fishing license issued under subsection 1 must annually purchase halibut tags to fish for or take halibut. A license holder may purchase an allotment of halibut tags only once per year. A vessel may have only one license holder's tags assigned to that vessel. The commissioner shall establish by rule the maximum number of halibut tags that may be issued to a license holder per year, and may establish up to 2 options for the number of tags a license holder may purchase. The commissioner may establish a fee, not to exceed \$4 per tag, for each purchase option. Unless otherwise specified in routine technical rules adopted by the commissioner pursuant to Title 5, chapter 375, subchapter 2-A, the following fees apply to halibut tags:

A. For 10 halibut tags, \$10; and

B. For 25 halibut tags, \$100.

The commissioner shall deposit fees collected pursuant to this subsection in the Halibut Fund established under section 6039.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Bureau of Marine Science 0027

Initiative: Provides allocations for expenditures related to halibut research and for the implementation of management measures needed for the halibut fishery.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	\$48,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$48,500

Sec. 7. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 12, section 6501, subsection 6 takes effect January 1, 2023.