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## **An Act To Create a Saltwater Fishing License for Owners of Docks, Piers and Wharves**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** saltwater recreational fishing is an important activity for increasing tourism and attracting visitors to the State; and

**Whereas,** both the fishing season and the tourism season commence early in the year and it is necessary to increase access to saltwater recreational fishing to strengthen tourism; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §6032, sub-§1,** as enacted by PL 2009, c. 559, §1 and affected by §4, is amended to read:

**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 striped bass endorsement and, the commercial operator's license pursuant to section 6312, subsections 4 and 5 and the saltwater fishing structure license pursuant to section 6312, subsection 5A, 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 under subsection 2. 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.

**Sec. 2. 12 MRSA §6312, sub-§3, ¶F,** as enacted by PL 2009, c. 559, §2 and affected by §4, is amended to read:

F. A person that possesses a valid New Hampshire saltwater recreational fishing license that meets the requirements of 50 Code of Federal Regulations, Sections 600.1415 and 600.1416 (2009) engaging in recreational saltwater fishing from the State's southern border to Cape Neddick; and

**Sec. 3. 12 MRSA §6312, sub-§3, ¶G,** as enacted by PL 2009, c. 559, §2 and affected by §4, is amended to read:

G. A resident fishing on July 4th, Labor Day weekend or Memorial Day weekend; and

**Sec. 4. 12 MRSA §6312, sub-§3, ¶H** is enacted to read:

H. A person fishing from a dock, pier or wharf if the owner or operator of that dock, pier or wharf possesses a valid saltwater fishing structure license under subsection 5A.

**Sec. 5. 12 MRSA §6312, sub-§5-A** is enacted to read:

**5-A. Saltwater fishing structure license.** A person who would otherwise be required to register under subsection 3 to engage in saltwater recreational fishing may fish in salt water from a dock, pier or wharf without registering if the owner or operator of that structure possesses a valid saltwater fishing structure license issued by the commissioner or a clerk or agent appointed by the commissioner pursuant to subsection 6. This subsection does not grant a person access to a structure licensed under this subsection without the permission of the owner of that structure. The commissioner shall determine the type of information the person holding a saltwater fishing structure license must provide about recreational saltwater fishing activities from that person's dock, pier or wharf and how frequently the information must be provided.

The annual fee for a saltwater fishing structure license is \$50. Revenues collected pursuant to this subsection must be deposited in the Marine Recreation Fishing Conservation and Management Fund established under section 6032.

**Sec. 6. 12 MRSA §6312, sub-§6**, as enacted by PL 2009, c. 559, §2 and affected by §4, is amended to read:

**6. Agent fee.** A clerk or other agent appointed by the commissioner to register a person on the registry, or issue a commercial operator's license, a saltwater fishing structure license or issue a striped bass endorsement under this section shall charge a person a fee of \$2 for each registration, license or endorsement issued to that person by that clerk or agent. The commissioner shall charge a fee of \$1 for each registration, license or endorsement taken by a department employee.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

## SUMMARY

Currently, a person may not engage in saltwater recreational fishing or land or possess fish taken from salt water without first registering on the State's saltwater recreational fishing registry. By law, there are a number of exceptions to that registry requirement. This bill adds an exception for a person recreationally fishing in salt water from a dock, pier or wharf if the owner or operator of that dock, pier or wharf possesses a valid saltwater fishing structure license pursuant to the Maine Revised Statutes, Title 12, section 6312, subsection 5A.