

CHAPTER 615**GENERAL LICENSE PROVISIONS****§6301. General provisions**

1. Resident license. Any individual who has been domiciled in Maine for the 6 months preceding the date of application is eligible for a resident license. A corporation is eligible for a resident license if it has been created and exists under the laws of Maine and it has existed in Maine during the 6 months preceding the date of application. A firm or partnership is eligible if all of its officers or partners have been domiciled in Maine for the 6 months preceding the date of application.

For the purposes of this chapter, a resident is a person who:

A. If registered to vote, is registered in Maine; [PL 1991, c. 692 (NEW).]

B. If licensed to drive a motor vehicle, has made application for a Maine motor vehicle operator's license; [PL 1991, c. 692 (NEW).]

C. If the owner of one or more motor vehicles located within the State, has registered at least one of the motor vehicles in Maine; and [PL 1991, c. 692 (NEW).]

D. If required to file a Maine income tax return on the previous April 15th, filed a Maine income tax return. [PL 1991, c. 692 (NEW).]

[PL 1991, c. 692 (AMD).]

2. Expiration. A license or certificate issued by the commissioner expires on December 31st of the year in which it is issued, except that:

A. A depuration certificate issued under section 6856 expires on April 30th of each year; [PL 1993, c. 80, §1 (NEW).]

B. A shellfish license issued under section 6601 expires on April 30th of each year; [PL 1993, c. 497, §1 (AMD).]

C. A marine worm digger's license issued under section 6751 expires on April 30th of each year; [PL 1995, c. 492, §1 (AMD).]

D. A shellfish sanitation certificate issued under section 6856 expires on March 31st of each year; [PL 2021, c. 168, §4 (AMD).]

E. A marine worm dealer's license issued under section 6853 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

F. A marine worm dealer's supplemental license issued under section 6853 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

G. A retail seafood license issued under section 6852 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

H. A wholesale seafood license with a lobster permit issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

I. A wholesale seafood license issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

J. A wholesale seafood license with a sea urchin buyer's permit issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

K. A wholesale seafood license with a sea urchin processor's permit issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

L. A wholesale seafood supplemental license issued under section 6851 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

M. A shellfish transportation license issued under section 6855 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

N. A shellfish transportation supplemental license issued under section 6855 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

O. A lobster meat permit issued under section 6857 expires on March 31st of each year; [PL 1995, c. 492, §3 (NEW); PL 1995, c. 492, §5 (AFF).]

P. A lobster transportation license issued under section 6854 expires on March 31st of each year; [PL 1999, c. 491, §1 (AMD); PL 1999, c. 491, §9 (AFF).]

Q. A lobster transportation supplemental license issued under section 6854 expires on March 31st of each year; [PL 2009, c. 523, §1 (AMD); PL 2009, c. 561, §7 (AMD).]

R. A wholesale seafood license with a shrimp permit issued under section 6851 expires on March 31st of each year; [PL 2011, c. 420, Pt. A, §9 (RPR).]

S. An enhanced retail certificate issued under section 6852, subsection 2-A expires on March 31st of each year; [PL 2011, c. 598, §16 (AMD).]

REVISOR'S NOTE: Paragraph S as enacted by PL 2009, c. 523, §3 is REALLOCATED TO TITLE 12, SECTION 6301, SUBSECTION 2, PARAGRAPH V

T. A seaweed buyer's license issued under section 6803-A expires on March 31st of each year; [RR 2009, c. 2, §23 (COR).]

U. [PL 2015, c. 68, §2 (RP).]

V. **(REALLOCATED FROM T. 12, §6301, sub-§2, ¶S)** A lobster processor license issued under section 6851-B expires on March 31st of each year; [PL 2017, c. 296, §3 (AMD).]

W. A commercial green crab only license issued under section 6808 expires on April 30th of each year; and [PL 2017, c. 296, §4 (AMD).]

X. An aquaculture license issued under section 6810-B expires on April 30th of each year. [PL 2017, c. 296, §5 (NEW).]
[PL 2021, c. 168, §4 (AMD).]

3. Nontransferable. A license or certificate shall not be transferable.
[PL 1977, c. 661, §5 (NEW).]

4. Supplemental license. A supplemental license may only be issued for an establishment or vehicle which is owned, leased or rented by the license holder.
[PL 1977, c. 661, §5 (NEW).]

5. Information. When application information concerning any person, establishment or vehicle named in a license or certificate changes, the holder shall immediately notify the commissioner in writing within 3 business days or the license or certificate shall become void.
[PL 1977, c. 661, §5 (NEW).]

6. Ownership identified. If a license issued under chapter 625 is issued to a firm, corporation or partnership, the individual who owns the highest percentage of that firm, corporation or partnership must be identified on the license application. When 2 or more individuals own in equal proportion the highest percentages of a firm, corporation or partnership, each of those owners must be identified.
[PL 2013, c. 282, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1985, c. 52, §1 (AMD). PL 1991, c. 692 (AMD). PL 1993, c. 80, §1 (AMD). PL 1993, c. 497, §§1,2 (AMD). PL 1995, c. 492, §§1-3 (AMD). PL 1995, c. 492, §5 (AFF). PL 1999, c. 491, §§1,2 (AMD). PL 1999, c. 491, §9 (AFF). PL 2005, c. 434, §3 (AMD). RR 2009, c. 2, §§22-24 (COR). PL 2009, c. 523, §§1-3 (AMD). PL 2009, c. 561, §§7-11 (AMD). PL 2011, c. 420, Pt. A, §9 (AMD). PL 2011, c. 598, §16 (AMD). PL 2013, c. 282, §1 (AMD). PL 2013, c. 492, §§1-3 (AMD). PL 2015, c. 68, §2 (AMD). PL 2017, c. 296, §§3-5 (AMD). PL 2021, c. 168, §4 (AMD).

§6302. General exceptions

Notwithstanding any licensing provision, a license or certificate is not required for a person to: [PL 1997, c. 544, §1 (AMD).]

1. Personal use. Possess or transport any marine organism that has been lawfully acquired and is for personal use. A receipt or bill of sale is required for lawful acquisition; [PL 1997, c. 544, §1 (AMD).]

2. Common carrier. Carry any marine organism by a common carrier; or [PL 2009, c. 523, §4 (AMD).]

3. Hermetically sealed containers. Buy, sell, ship or transport within or beyond the state limits or possess any marine organism that is in a hermetically sealed container. [PL 2009, c. 523, §5 (AMD).]

4. Retail sale of certain seafood products.

[PL 2009, c. 523, §6 (RP).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1997, c. 544, §1 (AMD). PL 2009, c. 523, §§4-6 (AMD).

§6302-A. Taking of marine organisms by federally recognized Indian tribes

1. Tribal exemption; commercial harvesting licenses. A member of the Passamaquoddy Tribe, Penobscot Nation, Mi'kmaq Nation 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, Mi'kmaq Nation 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; [PL 2011, c. 598, §17 (AMD).]

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; [PL 2023, c. 207, §7 (AMD).]

C. Is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671; and [PL 2023, c. 207, §8 (AMD).]

D. Is not required to complete an apprentice program established under section 6422 if the tribe, nation or band provides documentation to the commissioner to show that the license applicant has completed an apprentice program that is satisfactory to the tribe, nation or band. [PL 2023, c. 207, §9 (NEW).]

[PL 2023, c. 207, §§7-9 (AMD); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

2. Tribal exemption; sustenance or ceremonial tribal use. Notwithstanding any other provision of law, a member of the Passamaquoddy Tribe, Penobscot Nation, Mi'kmaq Nation or Houlton Band of Maliseet Indians who is a resident of the State may at any time take, possess, transport and distribute:

A. Any marine organism, except lobster, for sustenance use if the tribal member holds a valid sustenance fishing license issued by the tribe, nation or band or the agent of the band. A sustenance fishing license holder who fishes for sea urchins may not harvest sea urchins out of season; [PL 2011, c. 598, §17 (AMD).]

B. Lobsters for sustenance use, if the tribal member holds a valid sustenance lobster license issued by the tribe, nation or band or the agent of the band. The sustenance lobster license holder's traps must be tagged with sustenance use 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; however, a sustenance lobster license holder may not harvest lobsters for sustenance use with more than 25 traps; and [PL 2011, c. 598, §17 (AMD).]

C. Any marine organism for noncommercial use in a tribal ceremony within the State, if the member holds a valid ceremonial tribal permit issued to the tribal member by the Joint Tribal Council of the Passamaquoddy Tribe or the governor and council at either Passamaquoddy reservation, by the Penobscot Reservation Tribal Council, by the Mi'kmaq Nation Tribal Council or its agent or by the Houlton Band of Maliseet Indians Tribal Council or its agent. [PL 2013, c. 254, §2 (AMD); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

For purposes of this subsection, "sustenance use" means all noncommercial consumption or noncommercial use by any person within Passamaquoddy Indian territory, as defined in Title 30, section 6205, subsection 1, Penobscot Indian territory, as defined in Title 30, section 6205, subsection 2, Mi'kmaq Nation Trust Land, as defined in Title 30, section 7203, subsection 6, or Houlton Band Trust Land, as defined in Title 30, section 6203, subsection 2-A, or at any location within the State by a tribal member, by a tribal member's immediate family or within a tribal member's household. The term "sustenance use" does not include the sale of marine organisms.

A member of the Passamaquoddy Tribe, Penobscot Nation, Mi'kmaq Nation or Houlton Band of Maliseet Indians who takes a marine organism under a license or permit issued pursuant to this subsection must comply with all laws and rules applicable to a person who holds a state license or permit that authorizes the taking of that organism, except that a state law or rule that sets a season for the harvesting of a marine organism does not apply to a member of the Passamaquoddy Tribe, Penobscot Nation, Mi'kmaq Nation or Houlton Band of Maliseet Indians who takes a marine organism for sustenance use or for noncommercial use in a tribal ceremony. A member of the Passamaquoddy Tribe, Penobscot Nation, Mi'kmaq Nation or Houlton Band of Maliseet Indians issued a license or permit under this subsection is exempt from paying elver gear fees under section 6505-B or trap tag fees under section 6431-B and is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671. A member of the Passamaquoddy Tribe, Penobscot Nation, Mi'kmaq Nation or Houlton Band of Maliseet Indians who fishes for or takes lobster under a license or permit issued pursuant to this subsection must comply with the closed periods under section 6440.

[PL 2023, c. 646, Pt. A, §13 (AMD).]

3. Lobster, sea urchin, scallop and elver licenses; limitations. Pursuant to subsection 1:

A. The Passamaquoddy Tribe and Penobscot Nation may each issue to members of its tribe or nation, as the case may be, up to 24 commercial lobster and crab fishing licenses in any calendar year, including all licenses equivalent to Class I, Class II or Class III licenses and student licenses, but not including apprentice licenses. Licenses issued under this paragraph are subject to the eligibility requirements of section 6421, subsection 5; [PL 2011, c. 598, §17 (AMD).]

A-1. The Mi'kmaq Nation or its agent may issue to members of the band up to 10 commercial lobster and crab fishing licenses in any calendar year, including all licenses equivalent to Class I, Class II or Class III licenses and student licenses, but not including apprentice licenses. Licenses issued under this paragraph are subject to the eligibility requirements of section 6421, subsection 5; [PL 2011, c. 598, §17 (NEW); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

A-2. The Houlton Band of Maliseet Indians or its agent may issue to members of the band up to 10 commercial lobster and crab fishing licenses in any calendar year, including all licenses equivalent to Class I, Class II or Class III licenses and student licenses, but not including apprentice licenses. Licenses issued under this paragraph are subject to the eligibility requirements of section 6421, subsection 5; [PL 2013, c. 254, §3 (NEW).]

B. The Passamaquoddy Tribe may not issue to members of the tribe more than 24 commercial licenses for the taking of sea urchins in any calendar year. Sea urchin licenses must be issued by zone in accordance with section 6749-P; [PL 2011, c. 598, §17 (AMD).]

C. The commissioner shall adopt rules authorizing the Penobscot Nation to issue to members of the nation commercial sea urchin licenses if the commissioner determines that sea urchin resources are sufficient to permit the issuance of new licenses. The commissioner may not authorize the Penobscot Nation to issue more than 24 commercial sea urchin licenses to members of the nation in any calendar year; [PL 2011, c. 598, §17 (AMD).]

C-1. The commissioner shall adopt rules authorizing the Mi'kmaq Nation or its agent to issue to members of the nation commercial sea urchin licenses if the commissioner determines that sea urchin resources are sufficient to permit the issuance of new licenses. The commissioner may not authorize the Mi'kmaq Nation or its agent to issue more than 24 commercial sea urchin licenses to members of the nation in any calendar year; [PL 2011, c. 598, §17 (NEW); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

C-2. The commissioner shall adopt rules authorizing the Houlton Band of Maliseet Indians or its agent to issue to members of the band commercial sea urchin licenses if the commissioner determines that sea urchin resources are sufficient to permit the issuance of new licenses. The commissioner may not authorize the Houlton Band of Maliseet Indians or its agent to issue more than 24 commercial sea urchin licenses to members of the band in any calendar year; [PL 2013, c. 254, §3 (NEW).]

D. The Penobscot Nation may not issue to members of the nation more than 20 commercial licenses for the taking of scallops in any calendar year, except that the commissioner shall by rule allow the Penobscot Nation to issue additional commercial licenses to members of the nation for the taking of scallops if the commissioner determines that scallop resources are sufficient to permit the issuance of new licenses; [PL 2011, c. 598, §17 (AMD).]

D-1. The Mi'kmaq Nation or its agent may not issue to members of the nation more than 10 commercial licenses for the taking of scallops in any calendar year, except that the commissioner shall by rule allow the Mi'kmaq Nation or its agent to issue additional commercial licenses to members of the nation for the taking of scallops if the commissioner determines that scallop

resources are sufficient to permit the issuance of new licenses; [PL 2011, c. 598, §17 (NEW); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

D-2. The Passamaquoddy Tribe may not issue to members of the tribe more than 20 commercial licenses for the taking of scallops in any calendar year, except that the commissioner shall by rule allow the Passamaquoddy Tribe to issue additional commercial licenses to members of the tribe for the taking of scallops if the commissioner determines that scallop resources are sufficient to permit the issuance of new licenses; [PL 2013, c. 8, §1 (NEW).]

D-3. The Houlton Band of Maliseet Indians or its agent may not issue to members of the band more than 10 commercial licenses for the taking of scallops in any calendar year, except that the commissioner shall by rule allow the Houlton Band of Maliseet Indians or its agent to issue additional commercial licenses to members of the band for the taking of scallops if the commissioner determines that scallop resources are sufficient to permit the issuance of new licenses; [PL 2013, c. 254, §3 (NEW).]

E. The Penobscot Nation may not issue to members of the nation commercial licenses for the taking of elvers in any calendar year that exceed the following limits:

- (1) Eight licenses that allow the taking of elvers with 2 pieces of gear; and
- (2) Forty licenses that allow the taking of elvers with one piece of gear.

The commissioner shall by rule allow the Penobscot Nation to issue additional commercial licenses to members of the nation for the taking of elvers if the commissioner and the Penobscot Nation determine that elver resources are sufficient to permit the issuance of new licenses; [PL 2015, c. 391, §3 (AMD).]

E-1. The Passamaquoddy Tribe may issue to members of the tribe commercial licenses for the taking of elvers with one piece of gear; [PL 2015, c. 391, §4 (AMD).]

F. The Mi'kmaq Nation or its agent may not issue to members of the nation more than 8 commercial licenses for the taking of elvers in any calendar year, except that the commissioner shall by rule allow the Mi'kmaq Nation or its agent to issue additional commercial licenses for the taking of elvers to members of the nation if the commissioner determines that elver resources are sufficient to permit the issuance of new licenses; and [PL 2013, c. 8, §1 (AMD); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

G. The Houlton Band of Maliseet Indians or its agent may not issue to members of the band more than 16 commercial licenses for the taking of elvers in any calendar year except that the commissioner shall by rule allow the Houlton Band of Maliseet Indians or its agent to issue additional commercial licenses for the taking of elvers to members of the band if the commissioner determines that elver resources are sufficient to permit the issuance of new licenses. [PL 2015, c. 391, §5 (RPR).]

The Passamaquoddy Tribe, Penobscot Nation, Mi'kmaq Nation, Houlton Band of Maliseet Indians and Department of Marine Resources shall report on the status of the sea urchin, scallop and elver fisheries to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of each even-numbered year.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2015, c. 391, §§3-5 (AMD); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

4. Sea urchin and scallop handfishing and tender licenses; limitations. The Passamaquoddy Tribe, Penobscot Nation, Mi'kmaq Nation or its agent or Houlton Band of Maliseet Indians or its agent may not issue a license or permit pursuant to subsection 1 or 2:

A. For the harvesting of sea urchins or scallops by hand unless the license or permit applicant meets the diver competency requirements of section 6531; and [PL 1997, c. 708, §1 (NEW); PL 1997, c. 708, §3 (AFF).]

B. For the tending of a person who fishes for or takes scallops or sea urchins by diving unless the applicant meets the safety training requirements of section 6533. [PL 1997, c. 708, §1 (NEW); PL 1997, c. 708, §3 (AFF).]

[PL 2013, c. 254, §4 (AMD); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

5. Notification. Subsections 1 and 2 do not apply to a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Mi'kmaq Nation unless a copy of that member's tribal license or permit is filed with the commissioner by the tribal licensing agency or its agent or a tribal official in accordance with section 6027.

[PL 2013, c. 8, §1 (AMD); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

6. License suspension. If a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Mi'kmaq Nation issued a license or permit under this section is convicted or adjudicated of a violation for which a license suspension is mandatory under chapter 617, the commissioner shall suspend that member's license or permit for the specified period. If a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Mi'kmaq Nation issued a license or permit under this section is convicted or adjudicated of a violation for which the commissioner may suspend a license, the commissioner may suspend that member's license or permit in accordance with chapter 617.

[PL 2013, c. 8, §1 (AMD); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

7. Enforcement. A violation of a marine resources law or rule by a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Mi'kmaq Nation who is issued a license or permit pursuant to this section must be enforced pursuant to chapter 609. A member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Mi'kmaq Nation who is issued a license or permit pursuant to this section must possess and exhibit that license or permit in accordance with section 6305 and must comply with the provisions of section 6306 regarding inspections and searches by marine patrol officers for violations related to licensed or permitted activities.

[PL 2013, c. 8, §1 (AMD); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

8. Resident of the State defined. For the purposes of this section, "resident of the State" means a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Mi'kmaq Nation who is eligible to obtain a state resident license under section 6301, subsection 1.

[PL 2013, c. 8, §1 (AMD); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

9. Political subdivision. Nothing in this section may be construed to indicate that the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Mi'kmaq Nation is a political subdivision of the State.

[PL 2013, c. 8, §1 (AMD); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

10. Agent. For purposes of this section, an agent of the Mi'kmaq Nation is any entity authorized by the Mi'kmaq Nation Tribal Council to act on its behalf under this section and an agent of the Houlton Band of Maliseet Indians is any entity authorized by the Houlton Band of Maliseet Indians Tribal Council to act on its behalf under this section. The Mi'kmaq Nation Tribal Council shall certify to the department any agent it has designated to act on its behalf under this section. The Houlton Band of Maliseet Indians Tribal Council shall certify to the department any agent it has designated to act on its behalf under this section.

[PL 2023, c. 646, Pt. A, §14 (AMD).]

11. Renewal of licenses. If a holder of a license issued under this section fails to provide information required under section 6173, the license may not be renewed until the holder complies with the requirements of that section.

[PL 2013, c. 8, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 708, §1 (NEW). PL 1997, c. 708, §3 (AFF). PL 1999, c. 491, §3 (AMD). PL 1999, c. 491, §9 (AFF). PL 2001, c. 421, §B14 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2009, c. 396, §1 (AMD). PL 2011, c. 137, §1 (AMD). PL 2011, c. 266, Pt. A, §2 (AMD). PL 2011, c. 598, §17 (AMD). PL 2013, c. 8, §1 (AMD). PL 2013, c. 9, §1 (AMD). PL 2013, c. 254, §§1-4 (AMD). PL 2013, c. 485, §2 (AMD). PL 2013, c. 588, Pt. E, §5 (AMD). PL 2015, c. 391, §§3-5 (AMD). PL 2019, c. 640, §2 (AMD). PL 2021, c. 627, §2 (AMD). PL 2023, c. 207, §§7-9 (AMD). PL 2023, c. 369, Pt. A, §4 (REV). PL 2023, c. 369, Pt. A, §5 (AFF). PL 2023, c. 646, Pt. A, §§13, 14 (AMD).

§6302-B. Elver quota for federally recognized Indian tribes in the State

If the commissioner adopts an elver individual fishing quota system pursuant to section 6505-A, subsection 3-A, this section governs the allocation of the elver quota to federally recognized Indian tribes in the State. [PL 2013, c. 485, §3 (NEW).]

1. Annual allocation. In accordance with section 6505-A, the commissioner shall annually allocate 21.9% of the overall annual quota of elver fishery annual landings to the federally recognized Indian tribes in the State. If the Passamaquoddy Tribe, the Penobscot Nation, the Mi'kmaq Nation and the Houlton Band of Maliseet Indians reach an agreement regarding the division of this 21.9% portion of the overall annual quota among them and communicate in writing that agreement to the commissioner prior to March 1st of the year in which the quota is allocated, the commissioner shall allocate that portion of the quota in accordance with that agreement. If no agreement is reached, the commissioner shall allocate that portion of the quota in accordance with the following:

- A. To the Passamaquoddy Tribe, 14% of the overall annual quota; [PL 2013, c. 485, §3 (NEW).]
- B. To the Penobscot Nation, 6.4% of the overall annual quota; [PL 2013, c. 485, §3 (NEW).]
- C. To the Houlton Band of Maliseet Indians, 1.1% of the overall annual quota; and [PL 2013, c. 485, §3 (NEW); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]
- D. To the Mi'kmaq Nation, 0.4% of the overall annual quota. [PL 2013, c. 485, §3 (NEW).]

In making any allocations under this subsection, the commissioner shall reserve a portion no greater than 10% of each allocation in order to ensure that the quota is not exceeded.

[PL 2013, c. 485, §3 (NEW); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

2. Individual allocations. The following provisions govern the allocation of the quotas established under subsection 1 to members of each of the federally recognized Indian tribes.

A. The commissioner may enter into an agreement with a federally recognized Indian tribe in the State that does not provide for individual allocations of the quota established under subsection 1 to members of that tribe, nation or band. If the commissioner enters into an agreement pursuant to this paragraph, the following provisions apply.

- (1) An elver transaction card under section 6305 must be issued to each person to whom the tribe, nation or band issues a license under section 6302-A, subsection 3.
- (2) The holder of a license issued under section 6302-A, subsection 3 must meet the reporting requirements established by rule pursuant to section 6173.

(3) The quota established under subsection 1 applies to all elvers taken under licenses issued by the tribe, nation or band under section 6302-A, subsection 3.

(4) When the quota established under subsection 1 is reached, the department shall notify the tribe, nation or band. The commissioner may use the data collected from the elver transaction cards issued under subparagraph (1) to determine whether the overall annual quota established under subsection 1 has been reached. When the quota established under subsection 1 is reached, the holder of a license issued by the tribe, nation or band under section 6302-A, subsection 3 may not thereafter take, possess or sell elvers. Taking, possessing or selling elvers after the quota established under subsection 1 is reached is deemed a violation by the license holder of the prohibition on fishing in excess of the person's individual quota in section 6505-A, subsection 3-A. [PL 2019, c. 642, §1 (AMD).]

B. This paragraph governs the allocation of the quotas established in subsection 1 to members of a federally recognized Indian tribe in the State when the commissioner has not entered into an agreement with members of the tribe, nation or band under paragraph A that applies to members of that tribe, nation or band.

(1) If there is no agreement under paragraph A between the commissioner and the Passamaquoddy Tribe, the Passamaquoddy Tribe shall allocate to each person to whom it issues a license under section 6302-A, subsection 3, paragraph E-1 a specific amount of the quota allocated to the Passamaquoddy Tribe under subsection 1, paragraph A and shall provide documentation to the department of that allocation for each individual license holder. The Passamaquoddy Tribe shall allocate all of the quota that it has been allocated and may not alter any individual allocations once documentation has been provided to the department.

(2) If there is no agreement under paragraph A between the commissioner and the Penobscot Nation, the Penobscot Nation shall allocate to each person to whom it issues a license under section 6302-A, subsection 3, paragraph E a specific amount of the quota allocated to the Penobscot Nation under subsection 1, paragraph B and shall provide documentation to the department of that allocation for each individual license holder. The Penobscot Nation shall allocate all of the quota that it has been allocated and may not alter any individual allocations once documentation has been provided to the department.

(3) If there is no agreement under paragraph A between the commissioner and the Houlton Band of Maliseet Indians, the Houlton Band of Maliseet Indians shall allocate to each person to whom it issues a license under section 6302-A, subsection 3, paragraph G a specific amount of the quota allocated to the Houlton Band of Maliseet Indians under subsection 1, paragraph C and shall provide documentation to the department of that allocation for each individual license holder. The Houlton Band of Maliseet Indians shall allocate all of the quota that it has been allocated and may not alter any individual allocations once documentation has been provided to the department.

(4) If there is no agreement under paragraph A between the commissioner and Mi'kmaq Nation, the Mi'kmaq Nation shall allocate to each person to whom it issues a license under section 6302-A, subsection 3, paragraph F a specific amount of the quota allocated to the Mi'kmaq Nation under subsection 1, paragraph D and shall provide documentation to the department of that allocation for each individual license holder. The Mi'kmaq Nation shall allocate all of the quota that it has been allocated and may not alter any individual allocations once documentation has been provided to the department. [PL 2015, c. 391, §6 (NEW); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

The department shall issue an elver transaction card under section 6305 to a person licensed by the Passamaquoddy Tribe under section 6302-A, subsection 3, paragraph E-1, the Penobscot Nation under section 6302-A, subsection 3, paragraph E, the Houlton Band of Maliseet Indians under section 6302-A,

subsection 3, paragraph G or the Mi'kmaq Nation under section 6302-A, subsection 3, paragraph F only upon receipt of adequate documentation specifying the individual quota allocated to that person by the tribe, nation or band under this subsection.

[PL 2019, c. 642, §1 (AMD); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

3. Overage. If the total weight of elvers sold by persons licensed by the Passamaquoddy Tribe, Penobscot Nation, Mi'kmaq Nation or Houlton Band of Maliseet Indians exceeds the quota allocated under subsection 1 to that tribe, nation or band, the commissioner shall deduct the amount of the overage from any future allocation to that tribe, nation or band. If the overage exceeds the overall annual quota allocated to that tribe, nation or band for the following year, the overage must be deducted from the overall annual quota allocations to that tribe, nation or band in subsequent years until the entire overage has been accounted for.

[PL 2013, c. 485, §3 (NEW); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

4. Emergency prohibition. The commissioner may adopt emergency rules to prohibit the Passamaquoddy Tribe, the Penobscot Nation, the Mi'kmaq Nation or the Houlton Band of Maliseet Indians from fishing for elvers under a license issued under this Title if the commissioner finds that the tribe, nation or band has authorized fishing for elvers in a way that the commissioner determines will cause the tribe, nation or band to exceed the annual allocation set forth in subsection 1.

[PL 2015, c. 391, §7 (NEW); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

SECTION HISTORY

PL 2013, c. 485, §3 (NEW). PL 2015, c. 391, §§6, 7 (AMD). PL 2019, c. 642, §1 (AMD). PL 2023, c. 369, Pt. A, §4 (REV). PL 2023, c. 369, Pt. A, §5 (AFF).

§6303. Application

1. Forms. Application shall be made on forms furnished by the commissioner.

[PL 1977, c. 661, §5 (NEW).]

2. Misrepresentation or error. Any license issued through misrepresentation or misstatement shall be void. Any license issued through error shall be void after notice to the holder.

[PL 1977, c. 661, §5 (NEW).]

3. Satisfactory answers. Failure or refusal to satisfactorily answer any question on or about the application shall be a basis for denying the application.

[PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6304. Fees

1. One-half fee after September 30th.

[PL 1993, c. 499, §1 (RP).]

2. Duplication. Licenses that have been lost or destroyed must be reissued at a cost of \$6.

[PL 2009, c. 213, Pt. G, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1993, c. 499, §1 (AMD). PL 2003, c. 20, §WW1 (AMD). PL 2009, c. 213, Pt. G, §1 (AMD).

§6304-A. Coastal Fisheries, Research Management and Opportunity Fund

The Coastal Fisheries, Research Management and Opportunity Fund, referred to in this section as "the fund," is established within the department. For each license or permit issued under this Part, 30% of the fee charged must be deposited into the fund. The fund must be used to fund scientific research, management or enforcement activities related to marine resources. Unexpended balances in the fund at the end of a fiscal year do not lapse but must be carried forward to the next fiscal year. Any interest earned by the fund must be credited to the fund. [PL 2017, c. 284, Pt. EEEEE, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 284, Pt. EEEEE, §1 (NEW).

§6305. Possession of license, photo identification and transaction card

1. Exhibit on demand. When any person is engaged in an activity that is licensed under marine resources' laws, that person shall have that license in that person's actual possession. At the request of a marine patrol officer or other authorized person, the person shall exhibit that person's license. [PL 2023, c. 563, §2 (AMD).]

1-A. Photo identification. When a person is engaged in an activity for which a license is required under section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A, that person shall have a government-issued identification card with that person's photograph and date of birth in that person's actual possession. At the request of a marine patrol officer or other authorized person, the person shall present the government-issued identification card with that person's photograph and date of birth. [PL 2023, c. 563, §3 (AMD).]

1-B. Elver transaction card. When a person is engaged in an activity for which a license is required under section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A, that person shall have the elver transaction card issued by the department under section 6505-A to that person in that person's actual possession. At the request of a marine patrol officer or other authorized person, the person shall present the elver transaction card. [PL 2023, c. 563, §4 (AMD).]

2. Prima facie evidence. A failure to exhibit a license and an elver transaction card if an elver transaction card is required within a reasonable time, when requested, is prima facie evidence that the person is not licensed. [PL 2013, c. 468, §9 (AMD).]

3. Crew members. If crew members are included in the license for any operation, any bona fide crew member may carry out that operation if the license is in that crew member's possession. [PL 2013, c. 468, §9 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2013, c. 49, §2 (AMD). PL 2013, c. 468, §9 (AMD). PL 2023, c. 563, §§2-4 (AMD).

§6306. Consent to inspection; violation

1. Consent to inspection. Any person who signs an application for a license or aquaculture lease or receives a license or aquaculture lease under this Part has a duty to submit to inspection and search for violations related to the licensed activities by a marine patrol officer under the following conditions.

A. Watercraft or vehicles and the equipment located on watercraft or vehicles used primarily in a trade or business requiring a license or aquaculture lease under this Part may be searched or inspected at any time. [PL 2009, c. 229, §14 (AMD).]

B. Any other location where activities subject to this Part are conducted may be inspected or searched during the hours when those activities occur. [PL 1987, c. 713, §2 (NEW).]

C. A location specified in paragraph B may be inspected at any time if a marine patrol officer has a reasonable suspicion of a violation of this Part. [PL 1987, c. 713, §2 (NEW).]

D. No residential dwelling may be searched without a search warrant unless otherwise allowed by law. [PL 1987, c. 713, §2 (NEW).]

[PL 2009, c. 229, §14 (AMD).]

2. Seizure of evidence. Any person who signs an application for a license or aquaculture lease or receives a license or aquaculture lease under this Part has a duty to permit seizure of evidence of a violation of marine resources laws found during an inspection or search.

[PL 2009, c. 229, §14 (AMD).]

3. Refusal. Refusal to permit inspection or seizure is a basis for suspension of any or all licenses under this chapter or revocation of aquaculture leases.

[PL 2009, c. 229, §14 (AMD).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1987, c. 713, §2 (AMD). PL 1989, c. 348, §4 (AMD). PL 2009, c. 229, §14 (AMD).

§6307. Misstatement or misrepresentation

It shall be unlawful to intentionally or knowingly make a misstatement or misrepresentation on an application for a license or certificate. [PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

§6308. Compliance with support orders; license qualifications and conditions

In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as prescribed by the various acts of the department, applicants for licensure or registration, licensees renewing their licenses and existing licensees must also comply with the requirements of Title 19-A, section 2201. [PL 1997, c. 537, §4 (AMD); PL 1997, c. 537, §62 (AFF).]

SECTION HISTORY

PL 1993, c. 410, §V2 (NEW). PL 1995, c. 694, §D9 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 537, §4 (AMD). PL 1997, c. 537, §62 (AFF).

§6309. Licensees not in compliance with a court order of support; enforcement of parental support obligations

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Compliance with a support order" means that the support obligor has obtained or maintained health insurance coverage if required by a support order and is:

(1) No more than 60 days in arrears in making any of the following payments:

(a) Payments in full for current support;

(b) Periodic payments on a support arrearage pursuant to a written agreement with the Department of Health and Human Services; and

(c) Periodic payments as set forth in a support order; and

(2) No more than 30 days in arrears in making payments as described in subparagraph (1) if the obligor has been in arrears for more than 30 days in making payments as described in

subparagraph (1) at least 2 times within the past 24 months. [PL 2003, c. 396, §3 (RPR); PL 2003, c. 689, Pt. B, §6 (REV).]

B. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief. [PL 2003, c. 396, §3 (RPR).] [PL 2003, c. 396, §3 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

2. Noncompliance with a support order. An applicant for the issuance or renewal of a license or an existing licensee regulated by the department under this subpart who is not in compliance with a support order is subject to the requirements of Title 19-A, section 2201. [PL 2003, c. 396, §4 (AMD).]

SECTION HISTORY

PL 1993, c. 410, §V2 (NEW). PL 1995, c. 694, §D10 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 537, §5 (AMD). PL 1997, c. 537, §62 (AFF). PL 2003, c. 396, §§3,4 (AMD). PL 2003, c. 689, §B6 (REV).

§6310. Appeal of license denial; illness or medical condition

1. Appeal of license denial. A person who is denied a Class I, Class II or Class III lobster and crab fishing license because that person does not meet the eligibility requirements of section 6421, subsection 5, paragraph A; a person who is denied a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license because that person does not meet the eligibility requirements of section 6749-O, subsection 2-A; a person who is denied a hand fishing scallop license or a scallop dragging license because that person does not meet the eligibility requirements of section 6706, subsection 2; or a person who is denied a resident commercial menhaden fishing license or a nonresident commercial menhaden fishing license because that person does not meet the eligibility requirements of section 6502-C, subsection 1-B may appeal to the commissioner under this section for a review of that license denial.

[PL 2023, c. 540, §1 (AMD).]

2. Criteria for license issuance on appeal. The commissioner may issue a license on appeal only if the criteria in this subsection are met.

A. A Class I, Class II or Class III lobster and crab fishing license may be issued to a person on appeal only if:

(1) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for a license in 1997, 1998 or 1999, and the person documents that the person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person may not request an appeal under this subparagraph after December 31, 2001; or

(2) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for a license in licensing year 2000 or in subsequent years, and the person documents that the person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical

condition. A person must request an appeal under this subparagraph within one year of the onset of the illness or medical condition. [PL 2013, c. 319, §1 (AMD).]

B. A handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license may be issued to a person on appeal only if:

(1) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for that license, and the person documents that the person harvested sea urchins while in possession of the same license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person must request an appeal under this subparagraph within one year of the onset of the illness or medical condition. [PL 2013, c. 319, §1 (AMD).]

C. A hand fishing scallop license or a scallop dragging license may be issued to a person on appeal only if:

(1) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for that license, and the person documents that the person harvested scallops while in possession of the same license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person must request an appeal under this subparagraph within one year of the onset of the illness or medical condition. [PL 2013, c. 319, §1 (AMD).]

D. A resident commercial menhaden fishing license or a nonresident commercial menhaden fishing license may be issued to a person on appeal only if a substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for that license and the person documents that the person fished for menhaden while in possession of the same license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person must request an appeal under this paragraph within one year of the onset of the illness or medical condition. [PL 2023, c. 540, §2 (NEW).]

For the purposes of this subsection, "family member" means a spouse, sibling, child's spouse, parent by blood, parent by adoption, spouse's parent, child by blood, child by adoption, stepchild, stepparent, grandchild or grandparent.

[PL 2023, c. 540, §2 (AMD).]

3. Appeals process. A person appealing a license denial under this section must request the appeal in writing. The commissioner shall hold a hearing on the appeal if a hearing is requested in writing within 10 days of the initial request for appeal. If a hearing is requested, it must be held within 30 days of the request unless a longer period is mutually agreed to in writing, and it must be conducted in the Augusta area.

A hearing held under this subsection is informal. At the hearing, the appellant may present any evidence concerning the criteria listed in subsection 2 that might justify issuing a license to the person, and the commissioner may request any additional information the commissioner considers necessary. Any medical information provided as part of the appeal is a confidential record for the purposes of Title 1, section 402, subsection 3, paragraph A.

[PL 1999, c. 643, §1 (NEW).]

4. Issuance on appeal. Issuance of a license on appeal is at the discretion of the commissioner, except that a license may not be issued unless the criteria in subsection 2 are met. Decisions of the commissioner must be in writing.

[PL 1999, c. 643, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 643, §1 (NEW). PL 2009, c. 188, §1 (AMD). PL 2009, c. 188, §3 (AFF). PL 2011, c. 266, Pt. A, §§3, 4 (AMD). PL 2013, c. 319, §1 (AMD). RR 2021, c. 2, Pt. B, §48 (COR). PL 2023, c. 540, §§1, 2 (AMD).

§6310-A. Appeal of license denial; Armed Forces or Coast Guard service

1. Appeal of license denial. A person who is denied a license for a limited entry fishery because that person does not meet the eligibility requirements due to service in the United States Armed Forces or the United States Coast Guard precluding that person from participating in the fishery may appeal to the commissioner under this section for a review of that license denial. A license may be granted by the commissioner under this section only if the person:

A. Documents that the person harvested the relevant species while in possession of a fishing license for that species within one year prior to entering the service; [PL 2013, c. 319, §2 (NEW).]

B. [PL 2017, c. 161, §1 (RP).]

C. Has not been dishonorably discharged from service; and [PL 2013, c. 319, §2 (NEW).]

D. Requests an appeal under this section within one year of discharge from service. [PL 2013, c. 319, §2 (NEW).]

[PL 2017, c. 161, §1 (AMD).]

2. Limited entry fishery. For purposes of this section, "limited entry fishery" means a fishery in which licenses are limited to individuals who have held a license in the previous year or a fishery that is otherwise restricted by a limited entry system.

[PL 2013, c. 319, §2 (NEW).]

3. Appeals process. A person appealing a license denial under this section must request the appeal in writing. The commissioner shall hold a hearing on the appeal if a hearing is requested in writing within 10 days of the initial request for appeal. If a hearing is requested, it must be held within 30 days of the request unless a longer period is mutually agreed to in writing, and it must be conducted in the Augusta area.

A hearing held under this subsection is informal. At the hearing, the appellant may present any evidence concerning the criteria listed in subsection 1 that might justify issuing a license to the person, and the commissioner may request any additional information the commissioner considers necessary.

[PL 2013, c. 319, §2 (NEW).]

4. Issuance on appeal. Issuance of a license on appeal is at the discretion of the commissioner, except that a license may not be issued unless the criteria in subsection 1 are met. Decisions of the commissioner must be in writing.

[PL 2013, c. 319, §2 (NEW).]

SECTION HISTORY

PL 2013, c. 319, §2 (NEW). PL 2017, c. 161, §1 (AMD).

§6310-B. Continued eligibility for lobster and crab fishing licenses following successful appeal

A person who, upon appeal pursuant to section 6310-A, is issued a Class I, II or III lobster and crab fishing license shall submit landings data for the following 2 license years in accordance with rules adopted pursuant to section 6173. During the 2nd license year following the successful appeal in which that person holds a Class I, II or III lobster and crab fishing license, the person shall provide landings reports indicating a minimum of 50 landings days and sales of lobster to an individual licensed under section 6851 during that license year. If a person fails to meet the requirements of this section, the

person is no longer eligible for a Class I, II or III lobster and crab fishing license and the commissioner shall revoke the license in accordance with the provisions of sections 6352 and 6353. [PL 2017, c. 161, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 161, §2 (NEW).

§6311. Active duty military members

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Active duty for a period of more than 30 days" has the same meaning as in 10 United States Code, Section 101(d)(2). [PL 2013, c. 319, §3 (NEW).]

B. "Limited entry fishery" means a fishery in which licenses are limited to individuals who have held a license in the previous year or a fishery that is otherwise restricted by a limited entry system. [PL 2013, c. 319, §3 (NEW).]

[PL 2013, c. 319, §3 (AMD).]

2. Partial waiver of lobster apprentice requirements. Notwithstanding Title 37-B, section 390-A or any other provision of this Part, the commissioner shall waive a portion of the number of days and hours of practical lobster fishing experience required under the apprentice program established pursuant to section 6422, subsection 1 for a person who is a member of the National Guard or the Reserves of the United States Armed Forces if:

A. The person was under an order to active duty for a period of more than 30 days; [PL 2005, c. 111, §2 (NEW).]

B. The period of active duty conflicts with the requirements of the apprentice program; and [PL 2005, c. 111, §2 (NEW).]

C. The person was licensed pursuant to section 6421, subsection 1, paragraphs D and E. [PL 2005, c. 111, §2 (NEW).]

This waiver does not apply to the 2-year minimum required under section 6422, subsection 2.

[PL 2005, c. 111, §2 (NEW).]

3. Waiver of licensing requirements. Notwithstanding Title 37-B, section 390-A or any other provision of this Part, the commissioner shall waive the licensing eligibility requirements applicable to a limited entry fishery for a person who is a member of the National Guard or the Reserves of the United States Armed Forces and was under an order to active duty for a period of more than 30 days. This subsection does not apply to a person who did not possess a license for that limited entry fishery at the time of or in the calendar year prior to that person's being called to active duty. The waiver must be available for a period of up to 10 consecutive years of service, with no license fees being assessed during that time. For years consecutively served beyond 10 years, licensing eligibility requirements, other than licensing fees, must be waived.

[PL 2013, c. 319, §3 (AMD).]

4. Limited application. This section applies only if the member's service is in support of:

A. An operational mission for which members of the Reserves of the United States Armed Forces have been ordered to active duty without volunteering for that mission; [PL 2013, c. 319, §3 (AMD).]

B. Forces activated during a period of war declared by the United States Congress or a period of national emergency declared by the President of the United States or the United States Congress; or [PL 2013, c. 319, §3 (AMD).]

C. A response to a precipitating event for which the member was drafted or enlisted during a period of an active draft. [PL 2013, c. 319, §3 (NEW).]
[PL 2013, c. 319, §3 (AMD).]

SECTION HISTORY

PL 2005, c. 111, §2 (NEW). PL 2013, c. 319, §3 (AMD).

§6311-A. Student licenses after military service

An individual who is eligible for a student lobster and crab fishing license under section 6421, subsection 1, paragraph E either when enlisted in the United States Armed Forces or United States Coast Guard or when ordered to active duty in the National Guard or the Reserves of the United States Armed Forces may, upon that individual's return from service, have that individual's eligibility regarding age extended by the number of years that individual was not able to purchase a student license due to this service, for a period of up to 10 years. In order to extend eligibility under this section, that individual must initiate the license application within one year of that individual's return from service. [PL 2013, c. 319, §4 (NEW).]

SECTION HISTORY

PL 2013, c. 319, §4 (NEW).

§6312. Saltwater recreational fishing registry

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. [PL 2011, c. 421, §2 (RP).]

B. [PL 2011, c. 421, §2 (RP).]

C. "Registry" means the registry for persons engaged in saltwater recreational fishing established under subsection 2. [PL 2009, c. 559, §2 (NEW); PL 2009, c. 559, §4 (AFF).]
[PL 2011, c. 421, §2 (AMD).]

2. Saltwater recreational fishing registry established. The commissioner shall administer and maintain a registry of persons who engage in saltwater recreational fishing in the coastal waters of the State. The registry must at a minimum contain the name, address, date of birth and telephone number for each person registered. Only an individual may register.
[PL 2011, c. 421, §2 (AMD).]

3. Registration required. Unless the registry is suspended by rule under subsection 16, a person may not engage in saltwater recreational fishing in the coastal waters of the State or land or possess fish taken from the coastal waters of the State without registering pursuant to this section except that the following persons are exempt from this prohibition :

A. A person under 16 years of age; [PL 2009, c. 559, §2 (NEW); PL 2009, c. 559, §4 (AFF).]

B. A passenger on board a vessel captained by an individual who possesses a valid recreational fishing operator's license pursuant to subsection 5; [PL 2011, c. 421, §2 (AMD).]

C. A person renting a smelt fishing camp from an operator that possesses a valid recreational fishing operator's license pursuant to subsection 5; [PL 2011, c. 421, §2 (AMD).]

D. [PL 2011, c. 421, §2 (RP).]

E. [PL 2011, c. 421, §2 (RP).]

F. [PL 2011, c. 421, §2 (RP).]

G. A resident fishing on July 4th, Labor Day weekend or Memorial Day weekend; [PL 2011, c. 421, §2 (AMD).]

H. A person who has employed the guiding services of an individual who possesses a current guide license for tidewater fishing as provided by rule pursuant to section 12853 and a valid recreational fishing operator's license pursuant to subsection 5; [PL 2011, c. 421, §2 (NEW).]

I. A person fishing from a dock, pier or wharf that is owned by an individual who possesses a valid recreational fishing operator's license pursuant to subsection 5; [PL 2011, c. 421, §2 (NEW).]

J. A person who holds and presents upon demand a current and valid registration or license to engage in saltwater recreational fishing by a state that has been designated as an exempted state under 50 Code of Federal Regulations, Section 600.1415; [PL 2011, c. 421, §2 (NEW).]

K. A person registered on the National Saltwater Angler Registry through the United States Department of Commerce, National Oceanic and Atmospheric Administration; [PL 2011, c. 421, §2 (NEW).]

L. A member of the Passamaquoddy Tribe, if the Passamaquoddy Tribe certifies to the commissioner that it will collect the registry data required under subsection 2 from tribal members who engage in saltwater recreational fishing and report the data to the commissioner; [PL 2011, c. 421, §2 (NEW).]

M. A member of the Penobscot Nation, if the Penobscot Nation certifies to the commissioner that it will collect the registry data required under subsection 2 from members of the Penobscot Nation who engage in saltwater recreational fishing and report the data to the commissioner; [PL 2011, c. 421, §2 (NEW).]

N. A member of the Houlton Band of Maliseet Indians, if the Houlton Band of Maliseet Indians certifies to the commissioner that it will collect the registry data required under subsection 2 from band members who engage in saltwater recreational fishing and report the data to the commissioner; and [PL 2011, c. 421, §2 (NEW).]

O. A member of the Mi'kmaq Nation, if the Mi'kmaq Nation certifies to the commissioner that it will collect the registry data required under subsection 2 from nation members who engage in saltwater recreational fishing and report the data to the commissioner. [PL 2011, c. 421, §2 (NEW); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

Registration does not authorize a person to sell fish taken pursuant to the registry.

A person who has indicated on a valid freshwater fishing license issued under Part 13 whether or not the person engaged in saltwater recreational fishing during the prior year is not required to register under this subsection. The Department of Inland Fisheries and Wildlife shall provide registry data from persons exempted under this subsection regarding saltwater recreational fishing by these persons to the department at a time and manner as determined by the department.

A person who has indicated on a valid commercial fishing license issued under this Part whether or not the person engaged in saltwater recreational fishing during the prior year is not required to register under this subsection. The department shall collect data regarding saltwater recreational fishing by these persons exempted under this subsection.

[PL 2011, c. 421, §2 (AMD); PL 2023, c. 369, Pt. A, §4 (REV); PL 2023, c. 369, Pt. A, §5 (AFF).]

4. Striped bass endorsement.

[PL 2011, c. 421, §2 (RP).]

5. Recreational fishing operator's license. The following persons are eligible to hold a recreational fishing operator's license issued by the commissioner:

A. A captain of a vessel licensed to carry passengers for hire for saltwater recreational fishing; [PL 2011, c. 421, §2 (AMD).]

B. A person operating a business that rents smelt fishing camps for saltwater recreational smelt fishing; [PL 2011, c. 421, §2 (AMD).]

C. A person who owns a private dock, pier or wharf and makes that wharf available to customers for the purpose of recreational fishing as part of a commercial enterprise; and [PL 2011, c. 421, §2 (NEW).]

D. An individual who possesses a current guide license for tidewater fishing as provided by rule pursuant to section 12853. [PL 2011, c. 421, §2 (NEW).]

A person who holds a recreational fishing operator's license shall collect data from persons who engage in saltwater recreational fishing and report the data to the commissioner as specified by the commissioner by rule.

There is no fee for a recreational fishing operator's license.
[PL 2011, c. 421, §2 (AMD).]

6. Agent fee.

[PL 2011, c. 421, §2 (RP).]

7. Native American.

[PL 2011, c. 421, §2 (RP).]

8. Penalty. A person who violates this section commits a civil violation for which a fine of not less than \$100 may be adjudged.

[PL 2009, c. 559, §2 (NEW); PL 2009, c. 559, §4 (AFF).]

9. Suspension. A person on the registry is subject to the applicable suspension provisions under chapter 617.

[PL 2011, c. 421, §2 (AMD).]

10. Collaboration on outreach efforts. The commissioner shall work with fishing and hunting groups and interested parties in the commissioner's efforts to notify and educate the public about the registry.

[PL 2009, c. 559, §2 (NEW); PL 2009, c. 559, §4 (AFF).]

11. Report. The commissioner shall report registry information to the United States Department of Commerce, National Oceanic and Atmospheric Administration in a form and manner as required by the National Oceanic and Atmospheric Administration.

[PL 2009, c. 559, §2 (NEW); PL 2009, c. 559, §4 (AFF).]

12. Rules. The commissioner may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[PL 2009, c. 559, §2 (NEW); PL 2009, c. 559, §4 (AFF).]

13. Registration expiration. A registration issued under this section is valid until December 31st of the year in which it was issued. If applicable federal requirements allow, the commissioner may by rule extend the period for which a registration is valid.

[PL 2011, c. 421, §2 (NEW).]

14. Registry procedures. A person may register pursuant to this section through an agent appointed by the Department of Inland Fisheries and Wildlife to issue licenses under section 12501, through a publicly accessible online electronic system for registration operated by the department or at the department through a department employee.

[PL 2011, c. 421, §2 (NEW).]

15. Agent fees. A fee may not be charged for registering under this section. A person registering through an agent under section 12501 may be charged an agent fee of \$2 if the only transaction

conducted by that person is registering on the registry. A person registering on a publicly accessible online electronic system for registration may be charged an agent fee of \$1. A person registering at the department with a department employee may be charged an agent fee of \$1.
[PL 2011, c. 421, §2 (NEW).]

16. Termination of registry requirement. If the Marine Recreational Information Program administered by the United States Department of Commerce, National Oceanic and Atmospheric Administration does not receive funding to conduct surveys and perform data analysis, the department by rule shall suspend the registry. If the department suspends the registry, a person is not required to register under this section in order to engage in saltwater recreational fishing.
[PL 2011, c. 421, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 559, §2 (NEW). PL 2009, c. 559, §4 (AFF). PL 2011, c. 421, §2 (AMD). PL 2023, c. 369, Pt. A, §4 (REV). PL 2023, c. 369, Pt. A, §5 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.