§6502-C. Menhaden fishing license

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

A. Resident commercial menhaden fishing license; [PL 2019, c. 640, §4 (NEW).]

B. Nonresident commercial menhaden fishing license; or [PL 2019, c. 640, §4 (NEW).]

C. Noncommercial menhaden fishing license. [PL 2019, c. 640, §4 (NEW).]
[PL 2019, c. 640, §4 (NEW).]

1-A. Commercial menhaden fishing license eligibility in 2023. The commissioner may not issue a 2023 resident commercial menhaden fishing license or a 2023 nonresident commercial menhaden fishing license to an individual unless that individual:

A. Possessed a license to fish commercially for menhaden in at least 2 of the following 4 years, 2019, 2020, 2021 or 2022 except that an individual who is eligible for a commercial menhaden fishing license in 2023 and who held a 2nd commercial menhaden fishing license in 2022 is not eligible for a 2nd license in 2023; and [PL 2023, c. 169, §1 (AMD); PL 2023, c. 169, §5 (AFF).]

B. According to department records, reported legal landings of menhaden of 25,000 pounds or more in at least one of the following 4 years, 2019, 2020, 2021 or 2022.

Documentation, acceptable to the department, showing that the landing requirement in this paragraph has been met must be submitted to the department by January 1, 2023. [PL 2021, c. 670, §1 (NEW).]
[PL 2023, c. 169, §1 (AMD); PL 2023, c. 169, §5 (AFF).]

1-B. Commercial menhaden fishing license eligibility after 2023. The commissioner may not issue a resident commercial menhaden fishing license or a nonresident commercial menhaden fishing license to an individual in any year subsequent to 2023 unless that individual possessed that license in the previous calendar year.
[PL 2021, c. 670, §2 (NEW).]

1-C. Menhaden license limited entry system. Notwithstanding subsection 1-B, the commissioner may establish by rule a limited entry system under which a person who did not hold a commercial menhaden license in the previous calendar year may become eligible to obtain that license. The rules for a limited entry system must include provisions for the method and administration of the system. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2023, c. 169, §2 (NEW); PL 2023, c. 169, §5 (AFF).]

1-D. Fees. The department may assess a fee for participation in the limited entry system established in subsection 1-C.
[PL 2023, c. 169, §3 (NEW); PL 2023, c. 169, §5 (AFF).]

2. Licensed activity; commercial license. The holder of a commercial menhaden fishing license may fish for, take, possess, ship, transport or sell menhaden that the holder has taken using the vessel named on the license. A commercial menhaden fishing license also authorizes the crew members aboard the vessel named on the license to fish for, take, possess, ship or transport menhaden when the license holder is aboard the vessel.
[PL 2023, c. 562, §1 (AMD).]

2-A. License exception; illness, disability. Notwithstanding subsection 2, the commissioner may temporarily authorize an individual other than the holder of a commercial menhaden fishing license to fish for, take, possess, ship, transport or sell menhaden when the license holder is not present if the license holder documents to the commissioner that an illness or disability temporarily prevents the

license holder from fishing for or taking menhaden and requests in writing to the commissioner that the commissioner authorize another holder of a commercial menhaden fishing license to fish for or take menhaden from the license holder's vessel or the vessel named on the temporarily authorized license holder's license. The commissioner's authorization may require the temporarily authorized license holder to fish for, take, possess and land menhaden separately from the temporarily authorized license holder's own menhaden to ensure that harvest limits are not exceeded. A temporary authorization granted by the commissioner to another license holder due to the illness or disability of the license holder may not exceed one menhaden fishing season.
[PL 2023, c. 562, §2 (NEW).]

2-B. Exception to using the vessel named on the license holder's license for commercial license holders. Notwithstanding subsection 2, the commissioner may temporarily authorize a holder of a commercial menhaden fishing license to use a vessel other than the vessel named on that license holder's license to fish for, take, possess, ship or transport menhaden if the license holder documents to the commissioner that the vessel named on that license holder's license has become temporarily inoperable because of an accident or a mechanical failure and requests in writing to the commissioner that the commissioner authorize the use of another vessel to fish for or take menhaden. The commissioner's authorization may require the license holder to fish for, take, possess and land menhaden separately from any menhaden taken under another license listing the same vessel to ensure that harvest limits are not exceeded. An authorization granted by the commissioner to a license holder due to an accident or a mechanical failure may not exceed 2 weeks. The commissioner may authorize one 2-week extension per license holder during the menhaden fishing season.
[PL 2023, c. 562, §3 (NEW).]

3. Licensed activity; noncommercial license. The holder of a noncommercial menhaden fishing license may fish for, take or possess menhaden that the holder has taken using the vessel named on the license. A noncommercial menhaden fishing license authorizes the crew members aboard the vessel named on the license to fish for, take or possess menhaden when the license holder is aboard the vessel.
[PL 2023, c. 562, §4 (AMD).]

4. Eligibility. A noncommercial menhaden fishing license may be issued only to an individual who is a resident. An individual is eligible to hold only one license described in subsection 1 per calendar year.
[PL 2019, c. 640, §4 (NEW).]

5. Fees and surcharges. Fees and surcharges for menhaden fishing licenses are as follows:

A. For a resident commercial menhaden fishing license, $128, plus a $200 surcharge; [PL 2019, c. 640, §4 (NEW).]

B. For a nonresident commercial menhaden fishing license, $500, plus a $400 surcharge; and [PL 2019, c. 640, §4 (NEW).]

C. For a noncommercial menhaden fishing license, $48, plus a $50 surcharge. [PL 2019, c. 640, §4 (NEW).]

The commissioner shall deposit surcharges collected pursuant to this subsection in the Pelagic and Anadromous Fisheries Fund established under section 6041.
[PL 2019, c. 640, §4 (NEW).]

6. Exemption. The licensing requirement under subsection 1 does not apply to a person who fishes for, takes, possesses or transports menhaden that have been taken by speargun, harpoon, minnow trap, hand dip net or hook and line and are only for personal use.
[PL 2019, c. 640, §4 (NEW).]

7. 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.

[PL 2019, c. 640, §4 (NEW).]

8. Rules. The commissioner shall adopt rules to implement this section including provisions that provide limitations on the holder of a resident commercial menhaden fishing license, a nonresident commercial menhaden fishing license and a noncommercial menhaden fishing license. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 640, §4 (NEW).]

9. Effective date. This section takes effect January 1, 2021.
[PL 2019, c. 640, §4 (NEW).]

SECTION HISTORY

PL 2019, c. 640, §4 (NEW). PL 2021, c. 670, §§1, 2 (AMD). PL 2023, c. 169, §§1-3 (AMD). PL 2023, c. 169, §5 (AFF). PL 2023, c. 562, §§1-4 (AMD).

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