

**§6022. Commissioner's appointment, duties and powers**

**1. Appointment and term.** The commissioner shall be appointed by the Governor and shall be subject to review by the Joint Standing Committee on Marine Resources and to confirmation by the Legislature. The commissioner shall serve at the pleasure of the Governor.

[PL 1985, c. 481, Pt. A, §34 (AMD).]

**2. General powers.** The commissioner is responsible for the administration and enforcement of all marine resources' laws and has all the powers of a marine patrol officer. The commissioner shall maintain records of all leases, certificates or licenses issued by the commissioner or required to be filed under section 6027.

[RR 2021, c. 2, Pt. B, §24 (COR).]

**3. Organization and personnel.** The commissioner shall organize the department into the administrative units, including but not limited to the Bureau of Marine Patrol and the Bureau of Sea Run Fisheries and Habitat, that the commissioner decides are necessary to carry out its duties. The commissioner shall hire all necessary employees of the department subject to the Civil Service Law, except that persons in the following positions are appointed by and serve at the pleasure of the commissioner: Deputy Commissioner; Chief, Bureau of Marine Patrol; and Assistant to the Commissioner for Public Information. The Chief of the Bureau of Marine Patrol must be appointed from among the patrol personnel of the bureau with the rank of sergeant or higher. In the event that the Chief of the Bureau of Marine Patrol is not reappointed, that person has the right to be restored to the classified position from which that person was promoted or to a position equivalent thereto in salary grade without impairment of that person's personnel status or the loss of seniority, retirement or other rights to which uninterrupted service in the classified position would have entitled that person. If that person's service in the position of Chief of the Bureau of Marine Patrol is terminated for cause, that person's right to be restored must be determined by the State Civil Service Appeals Board.

[PL 2021, c. 398, Pt. JJJ, §1 (AMD).]

**4. Warden code.** The commissioner shall prepare a written code governing the operating procedures of the Bureau of Marine Patrol services for submission to the State Human Resources Officer. The code shall become effective when approved by the State Human Resources Officer.

[PL 1985, c. 785, Pt. B, §66 (AMD); PL 2023, c. 412, §3 (REV).]

**5. Property.** The commissioner may acquire and hold any right or interest in real or personal property on behalf of the State. The commissioner may by sale, lease or otherwise dispose of any such property, or portion of any such property or interest in any such property, subject to the provisions of section 598-A.

[PL 2007, c. 615, §2 (AMD).]

**6. Enforcement agreements.** The commissioner may enter into reciprocal enforcement agreements with political subdivisions of the State and with other states, regional authorities and the Federal Government. Pursuant to these agreements, the commissioner may designate and deputize federal law enforcement personnel and law enforcement personnel from other states to enforce marine resource laws and rules. In that event, the commissioner shall designate the specific laws and rules to be enforced. Agents so deputized may enforce those laws and rules so designated by the commissioner. Agents so deputized by the commissioner shall have the powers of a marine patrol officer, as defined in section 6025.

[PL 1985, c. 24, §2 (AMD).]

**7. Report.** The commissioner shall report to the Governor and Legislature every 2 years. This report shall include a detailed statement of the department's actions and functions and a survey of the present state of the state's fishing industries and their anticipated future, including statistics and data. The report may include those recommendations for amendments to the laws and licensing procedures of the marine resources' laws as may be necessary for the operation of the department. The report shall

cover the period ending June 30th of each even-numbered year and shall be due within 6 months of the end of the period which it covers.

[PL 1977, c. 661, §5 (NEW).]

**8. Pamphlet laws.** The commissioner shall publish a pamphlet of the sections of this Part as soon as possible after the adjournment of the first regular session of each Legislature. In addition, the commissioner may publish any other laws or regulations.

[PL 1977, c. 661, §5 (NEW).]

**9. Federal expenditures.** The commissioner may accept federal funds for use in department programs and to do such acts as are consistent with the powers of the commissioner and as are necessary to carry out federal laws pursuant to which those funds are provided. The commissioner may accept any other funds as may be available to carry out the purposes of the department.

[PL 1977, c. 661, §5 (NEW).]

**10. Ecological impact.** The commissioner shall advise the United States Army Corps of Engineers, the Department of Transportation, the Department of Environmental Protection and appropriate state agencies on the ecological effects of dredging, filling and depositing of soil or otherwise altering coastal wetlands, whether these actions will affect adversely estuarine or marine fisheries and what mitigation or compensatory measures are available. The commissioner shall also recommend to these agencies whether dredging, filling or otherwise altering coastal wetlands is permitted under current state and federal wetland rules and regulations.

[PL 1989, c. 501, Pt. P, §21 (AMD).]

**11. Interagency cooperation.** The commissioner shall consult with, offer advice to and cooperate with the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife and the Department of Agriculture, Conservation and Forestry in carrying out the commissioner's duties, and these agencies shall do the same in carrying out their duties. Cooperation includes the exchange of information and the filing of copies of any application, petition, request, report or similar document that may bear upon the responsibilities of any of these departments. Details of those exchanges must be worked out by the heads of the departments.

[PL 2011, c. 655, Pt. KK, §15 (AMD); PL 2011, c. 655, Pt. KK, §34 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

**12. Regulations.** The commissioner may make regulations as authorized by marine resources' laws.

[PL 1977, c. 661, §5 (NEW).]

**13. State map.**

[PL 1989, c. 502, Pt. A, §35 (RP).]

**14. Brands, labels and marks.** The commissioner may develop, design and register brands, labels or marks, as that term is used in Title 10, section 1521, subsection 3, for identifying marine resource products packed in accordance with official grades and standards established by the department and shall furnish information to packers and shippers as to where these labels and marks may be obtained. A written application to the commissioner requesting permission to use these brands, labels or marks and a written acceptance thereto from the commissioner shall be a condition precedent to the use of these brands, labels or marks. The right to use these brands, labels or marks may be suspended or revoked by the commissioner according to the procedures set forth in section 6101, subsections 6 to 8, whenever it appears on investigation that they have been used to identify marine resource products not conforming to the grades or standards indicated.

[PL 1981, c. 684, §8 (NEW).]

**15. Revolving fund.** The commissioner may prepare and distribute printed and audio-visual materials on matters within the commissioner's statutory jurisdiction. There is established within the department a revolving fund to cover the printing and distribution costs of these materials. The

commissioner shall fix the prices at which publications of the department may be sold or delivered. The department shall retain, without charge, an appropriate number of each publication for complimentary distribution. Income from the sale of publications that were charged to the revolving fund and any other money the commissioner may receive, from whatever source, consistent with the purposes of this section, must be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of the fund.

[RR 2021, c. 2, Pt. B, §25 (COR).]

**16. Atlantic salmon powers and responsibilities.** The commissioner has the sole authority to introduce Atlantic salmon into the inland waters, other than in commercial aquaculture facilities. The commissioner has the sole authority to limit or prohibit the taking of Atlantic salmon and may adopt rules establishing the time, place and manner of Atlantic salmon fishing in all waters of the State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2009, c. 561, §3 (NEW).]

**17. Permit banking program.** The commissioner may administer a permit banking program in which the department holds federal limited access fishing permits and distributes the rights associated with those permits to eligible residents of the State with the goal of restoring and preserving access to federally managed fisheries. The commissioner may lease fisheries allocations, as required, to fund the costs associated with the permit banking program and may use funds in excess of those needed to administer the program to provide assistance to groundfish sectors consistent with the goals of the program.

[PL 2011, c. 598, §4 (AMD).]

**18. Commissioner's authority.** The State assents to the provisions of the Federal Aid in Sport Fish Restoration Act, 16 United States Code, Chapter 10B, as amended. The commissioner may perform all acts necessary for the establishment and implementation of cooperative fish restoration and management projects as defined by that Act and the implementing regulations promulgated under that Act.

[PL 2011, c. 266, Pt. A, §1 (NEW).]

**19. Interstate wildlife violator compact.** The commissioner may enter into an interstate wildlife violator compact to promote compliance with the laws, regulations and rules that relate to the management of marine resources in the respective member states and may adopt rules, which are routine technical rules as described in Title 5, chapter 375, subchapter 2-A, necessary to implement certain provisions of the compact.

[PL 2013, c. 468, §1 (NEW).]

**20. Sale of general merchandise.** The commissioner may engage in the selling and marketing of general merchandise products when the express purpose is to accommodate public demand and generate supplemental funds for the Bureau of Marine Patrol.

A. The commissioner may create dedicated accounts for depositing money received from the sale of general merchandise products pursuant to this subsection. [PL 2015, c. 172, §1 (NEW).]

B. Funds received by the commissioner from the sale of general merchandise products pursuant to this subsection must be deposited in a dedicated account to be used only to market, promote and increase public awareness of the Bureau of Marine Patrol and to recruit marine patrol officers. [PL 2015, c. 172, §1 (NEW).]

[PL 2015, c. 172, §1 (NEW).]

#### SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 127, §82 (AMD). PL 1979, c. 541, §B73 (AMD). PL 1981, c. 505, §3 (AMD). PL 1981, c. 684, §8 (AMD). PL 1983, c. 286, §1 (AMD). PL 1983, c.

489, §8 (AMD). PL 1985, c. 24, §2 (AMD). PL 1985, c. 481, §A34 (AMD). PL 1985, c. 785, §§B65,66 (AMD). PL 1989, c. 348, §3 (AMD). PL 1989, c. 501, §P21 (AMD). PL 1989, c. 502, §A35 (AMD). PL 2007, c. 615, §2 (AMD). PL 2009, c. 561, §3 (AMD). PL 2011, c. 10, §1 (AMD). PL 2011, c. 266, Pt. A, §1 (AMD). PL 2011, c. 598, §4 (AMD). PL 2011, c. 655, Pt. KK, §15 (AMD). PL 2011, c. 655, Pt. KK, §34 (AFF). PL 2011, c. 657, Pt. W, §5 (REV). PL 2013, c. 468, §1 (AMD). PL 2015, c. 172, §1 (AMD). PL 2021, c. 398, Pt. JJJ, §1 (AMD). RR 2021, c. 2, Pt. B, §§24, 25 (COR). PL 2023, c. 412, §3 (REV).

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.