

SB 159-FN - AS INTRODUCED

2025 SESSION

25-0956

08/06

SENATE BILL        ***159-FN***

AN ACT            establishing a marine habitat fee.

SPONSORS:        Sen. Watters, Dist 4; Sen. Altschiller, Dist 24; Sen. Perkins Kwoka, Dist 21; Rep. Bixby, Straf. 13; Rep. Ouellet, Coos 3; Rep. C. Harvey, Ches. 6

COMMITTEE:       Ways and Means

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ANALYSIS

This bill establishes a marine habitat fee and a marine habitat fee fund.

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Explanation:       Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT                    establishing a marine habitat fee.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 New Section; Marine Habitat Fee; Account Established. Amend RSA 214 by inserting after  
2 section 1-g the following new section:

3            214:1-h Marine Habitat Fee; Marine Habitat Account Established.

4            I. A marine habitat fee shall be paid by all persons 16 years of age or older, in addition to  
5 each applicable marine license required by Title XVIII, to take, land, transport, or possess marine  
6 species in the marine waters of this state. The executive director shall establish the amount of the  
7 marine habitat fee in rules, in accordance with RSA 541-A.

8            II. The state treasurer shall establish a separate nonlapsing account within the fish and  
9 game fund, to be known as the marine habitat account, to which shall be credited all fees collected  
10 under RSA 214:1-h, I. The state treasurer may accept public and private grants and donations for  
11 deposit into the account.

12            III. The state treasurer shall invest the moneys in the marine habitat account as provided  
13 by law. Interest received on investments shall be credited to the account.

14            IV. The marine habitat account is continually appropriated and may only be used for the  
15 following purposes within the state of New Hampshire:

16            (a) The development, management, preservation, conservation, restoration, and  
17 maintenance of marine habitats and passage structures in the water of the state, or access to  
18 habitats for diadromous species, with at least 50 percent of the annual revenue dedicated to paying  
19 costs of labor and materials for direct shoreline, aquatic, or habitat management activities;

20            (b) Obtaining access to marine and diadromous species habitat areas;

21            (c) The acquisition of easements upon private property for the purposes of  
22 subparagraphs (a) and (b);

23            (d) The acquisition of private land to protect critical marine or diadromous fish habitat  
24 access, provided that the governing body of any municipality, unincorporated town, or unorganized  
25 place in which the property is located approves;

26            (e) Providing information to the public on the habitats of marine or diadromous fish  
27 species managed by the fish and game department.

28            V. When revenue is used to either obtain an easement under subparagraph IV(c) or  
29 purchase land under subparagraph IV(d), no condition shall be accepted which restricts fishing from  
30 or hunting and trapping on the associated land. This requirement shall not apply to lands used for  
31 access purposes or if the executive director finds that it is in the interest of the fishing, hunting, and

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1 trapping community to allow such a restriction. The executive director shall allow marine species  
2 harvest, fishing from and hunting and trapping on such lands, as is permissible, but may prohibit for  
3 any length of time the access to harvest, fishing, hunting or trapping on the whole or part of such  
4 lands when it is necessary for the protection or propagation of a species or for public safety reasons.

5 VI. The executive director, with the approval of the commission, shall expend the funds in  
6 the marine habitat account. Prior to the expenditure of any funds, the fish and game department  
7 shall analyze the proposed project and provide the executive director and the commission with  
8 recommendations as to the project's usefulness and feasibility.

9 VII. The executive director shall submit to the fiscal committee and the chairpersons of the  
10 house and senate committees with jurisdiction over fish and game matters a detailed fiscal year  
11 report by October 1 of each year, beginning with fiscal year 2027, with sufficient information to be  
12 fully understood by the general court and the public, summarizing the receipts and disbursements  
13 from the marine habitat account and the public benefits derived from the disbursements. Every fifth  
14 year, beginning in 2027, the annual report shall provide an in-depth financial accounting and  
15 summary of work accomplished in the previous 5 years, outlining all projects that are completed, in  
16 process, and planned. All annual reports shall be made available to the public after submission to  
17 the general court.

18 2 New Subparagraph; Marine Habitat Fee Fund. Amend RSA 6:12, I(b) by inserting after  
19 subparagraph (399) the following new subparagraph:

20 (400) Moneys deposited in the marine habitat fee fund established in RSA 214:1-h.

21 3 Effective Date. This act shall take effect 90 days after its passage.

LBA  
25-0956  
1/19/25

**SB 159-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT                    establishing a marine habitat fee.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Fish and Game Department. The Department was contacted on 1/8/25 for a fiscal note worksheet. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

**AGENCIES CONTACTED:**

Fish and Game Department