

## STATE OF MAINE

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 IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

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 H.P. 1107 - L.D. 1514
**An Act To Improve Enforcement in the Elver Fishery****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 12 MRSA §6207, first ¶**, as amended by PL 1989, c. 742, §3, is further amended to read:

Any marine organism; that is taken, bought, sold, shipped, transported or found in the possession of any person in violation of any provision of marine resources' resources laws; and all currency that is used in violation of any provision of marine resources laws is contraband and is subject to forfeiture in accordance with this section and section 6206. All equipment and vehicles used or possessed in violation of any provision of marine resources' resources laws are contraband and are subject to forfeiture.

**Sec. 2. 12 MRSA §6374, sub-§3-A, ¶¶D and E**, as enacted by PL 2017, c. 197, §4, are amended to read:

D. Not less than 4 years from the date of a finding of a violation of section 6438-A; and

E. Permanent for conduct that is grounds for suspension under section 6371, subsection 3, paragraph C; and

**Sec. 3. 12 MRSA §6374, sub-§3-A, ¶F** is enacted to read:

F. Permanent for a first finding of a violation of section 6505-A, subsection 1-D.

**Sec. 4. 12 MRSA §6404-N** is enacted to read:

**§6404-N. Revocation based on conviction of failing to record the sale of elvers with an elver transaction card**

The commissioner shall permanently revoke the elver fishing license, elver dealer's license or elver exporter's license of any license holder convicted of violating section 6505-A, subsection 1-D.

**Sec. 5. 12 MRSA §6505-A, sub-§1-D**, as enacted by PL 2013, c. 468, §24, is amended to read:

**1-D. Use of elver transaction card required.** The holder of an elver fishing license issued under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may not sell or transfer elvers the license holder has taken to an elver dealer licensed under section 6864 unless the holder of the elver fishing license presents to the elver dealer the elver transaction card issued to that person under subsection 1-C and that card is used to record the transaction between the license holder and the dealer so that the amount of elvers transferred or sold is deducted from the license holder's quota.

**Sec. 6. 12 MRSA §6575-J**, as amended by PL 2017, c. 250, §8, is further amended to read:

**§6575-J. Seizure of illegal elvers**

In addition to any other penalty imposed, elvers that are taken, sold, purchased or possessed ~~that were taken~~ in violation of any law or rule pertaining to elvers are subject to seizure by any officer authorized to enforce this Part. The entire bulk pile containing ~~illegally harvested~~ illegal elvers may be seized. For the purposes of this section, "bulk pile" means all elvers in the possession of a ~~holder of an elver fishing license, an elver dealer's license or an elver exporter's license~~ person who fished for, took, possesses or bought elvers in violation of any law or rule regulating elvers under this Part.

**Sec. 7. 12 MRSA §6865, sub-§5**, as enacted by PL 2015, c. 45, §6, is amended to read:

**5. Fees.** The fee for an elver exporter's license is \$5,000. If the department requires inspection of elvers prior to export, the department may charge up to \$500 for each inspection.

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF**

**Bureau of Marine Science 0027**

Initiative: Provides allocations to research and manage the State's eel and elver resources, to enforce the laws related to eels and elvers and to cover the costs associated with determining eligibility for elver fishing licenses.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$30,000	\$30,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$30,000</u>	<u>\$30,000</u>